

Extra Ordinary Part - IV / 2007

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Extra No.1	20-01-2007	Urban Development & Urban Housing Department
Extra No.2	16-03-2007	Legislative & Parliamentary Affairs Department
Extra No.3	30-03-2007	Legislative & Parliamentary Affairs Department
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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

XLVIII]

SATURDAY, JANUARY 20, 2007/PAUSA 30, 1928

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinance Promulgated
and Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT
Sachivalaya, Gandhinagar, 29th January, 2007.

GUJARAT ORDINANCE NO. 1 OF 2007.

AN ORDINANCE

further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to validate the levy and collection of property taxes and charges and to amend the Gujarat Education Cess Act, 1962;

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Provincial Municipal Corporations Act, 1949 and the Gujarat Education Cess Act, 1962;

Bom.LIX of
1949.
Guj. XXXV
of 1962.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*-(1) This Ordinance may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment and Validation) Ordinance, 2007.

(2) It shall be deemed to have come into force on the 9th March, 1999.

Bom.LX
1949.
Guj. XX
of 1962.

2. Bom. LIX of 1949 and Guj. XXXV of 1962 to be temporarily amended.- During the period of operation of this Ordinance, the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act") and the Gujarat Education Cess Act, 1962 shall have effect subject to the amendments specified in sections 3 to 13.

3. Amendment of section 127 of Bom. LIX of 1949.- In the principal Act, in section 127, in sub-section (1), in clause (a), for the words, figures and letter "property tax under section 141B", the words, figures and letters "under section 141AA" shall be substituted.

4. Insertion of new section 141AA in Bom. LIX of 1949.- In the principal Act, after section 141A, for the heading "PROPERTY TAX", the following heading and section shall be inserted, namely :-

"PROPERTY TAXES"

Property taxes
of what to
consist and at
what rate
leviable.

141AA. For the purposes of sub-section (1) of section 127, property taxes shall comprise the following taxes which shall, subject to exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City:-

(a) a water tax at such percentage of the amount of general tax levied under section 141B as the Corporation shall deem reasonable, for providing water supply for the City:

Provided that the Corporation shall, with the previous sanction of the State Government, fix the minimum amount of such tax to be levied and may fix different minima for different classes of properties:

Provided further that the minimum amount of such tax to be levied shall,-

- (i) in respect of any one separate holding of land or of any one building (not being premises used exclusively for residential purpose) or of any one portion of a building which is let as a separate holding and which is not used exclusively for residential purpose, be not less than five rupees per mensem for any official year;
- (ii) in respect of any premises used exclusively for residential purpose, be not less than three rupees per mensem for any official year;

(b) a conservancy and sewerage tax at such percentage of the amount of general tax levied under section 141B as will in the opinion of the Corporation suffice to provide for the collection, removal and disposal of all excrementitious and polluted matters from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matters:

Provided that Corporation shall, with the previous sanction of the State Government, fix the minimum amount of such tax to be levied and may fix different minima for different classes of properties:

Provided further that the minimum amount of such tax to be levied in respect of any one separate holding of land or of any one building or of any one portion of a building which is let as a separate holding shall be not less than two rupees per mensem for any official year and that the amount of such tax to be levied in respect of any hotel, club, industrial premises or other large premises may be specially fixed under section 137:

Provided also that while determining the rate of such tax under section 99 or 150, the Corporation may determine different rates for different classes of properties;

- (c) a general tax which may be levied in accordance with the provisions of section 141B, if the Corporation so determines on a graduated scale;
- (d) betterment charges leviable under Chapter XVI.

Explanation.—(i) Where any portion of a building or a land is liable to a higher rate of the general tax, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(ii) The water tax for providing water supply for the City and the conservancy tax for the collection, removal and disposal of all excrementitious and polluted matters from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains may be levied and collected jointly as ‘water and sewerage charges’ at the rate based on the carpet area and the type of the property.”.

5. *Amendment of section 141B of Bom. LIX of 1949.*-In the principal Act, in section 141B,-

- (1) in sub-section (1), for the words, brackets and figures “sub-section (1) of section 127, property tax”, the words, brackets, figures and letters “clause (c) of section 141AA, general tax” shall be substituted;
- (2) in sub-section (5), for the words “property tax”, the words “general tax” shall be substituted;
- (3) in the marginal note, for the words “property tax”, the words “general tax” shall be substituted.

6. *Amendment of section 141C of Bom. LIX of 1949.*- In the principal Act, in section 141C including marginal note, for the words “property tax” wherever they occur, the words “property taxes” shall be substituted.

7. *Amendment of section 141D of Bom. LIX of 1949.*- In the principal Act, in section 141D including marginal note, for the words “property tax”, the words “property taxes” shall be substituted.

8. *Amendment of section 141E of Bom. LIX of 1949.*- In the principal Act, in section 141E, for the words “property tax” occurring at two places, the words “general tax” shall be substituted.

9. *Amendment of section 141F of Bom. LIX of 1949.*- In the principal Act, for section 141F, the following section shall be substituted, namely :-

Application of certain sections to levy property taxes.

“141F. The provisions of sections 140 and 141A shall apply in relation to property taxes levied under section 141AA subject to modifications specified in Appendix I-A.”.

10. *Amendment of section 454 of Bom. LIX of 1949.*- In the principal Act, in section 454, in sub-section (2), for the words, figures and letter “property tax under section 141B”, the words, figures and letters “property taxes under section 141AA” shall be substituted.

11. Amendment of APPENDIX I-A of Bom. LIX of 1949.— In the principal Act, in Appendix I-A,-

(1) items at serial Nos. 1, 2 and 4 shall be deleted.

(2) for item at serial No.3, the following item shall be substituted, namely:-

"3. In section 140, in sub-section (1), for the portion beginning with the words "which the rent paid by such occupier" and ending with the words "of the said premises", the following shall be substituted, namely:-

"as the carpet area of the premises occupied by such occupier bears to the aggregate carpet area of the said premises occupied by both or all of them."

12. Validation of levy and collection of property taxes and charges.— (1) Notwithstanding anything contained in any judgment, decree or order of any court or authority, the property taxes or charges assessed, levied or collected or purported to have been assessed, levied or collected by the Corporation under the principal Act shall be and shall be deemed always to have been validly assessed, levied or collected in accordance with law as if the provisions of the principal Act as amended by this Ordinance had been in force at all material times when such taxes or charges were assessed, levied or collected and accordingly-

(a) no suit, appeal, application or other proceedings shall be maintained or continued in any court or before any authority whatsoever for the refund of the said taxes or charges,

(b) no court or other authority shall enforce any decree or order directing refund of the said taxes or charges, and

(c) recoveries of such taxes or charges shall be made in accordance with the provisions of the principal Act as amended by this Ordinance as if said provisions had been in force at all material times.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person-

(a) from questioning, in accordance with the provisions of the principal Act as amended by this Ordinance, the assessment, levy or collection of the aforesaid taxes or charges , or

(b) from claiming, in accordance with the provisions of the principal Act as amended by this Ordinance, refund of the aforesaid taxes or charges paid by him in excess of the amount due from him.

13. Amendment of section 2 of Guj. XXXV of 1962.— In the Gujarat Education Cess Act, 1962, in section 2, in clause (viii), for sub-clause (i), the following sub-clause shall be substituted, namely:-

Guj. XXXV
of 1962.

"(i) in a City, where property tax is levied under section 129 or section 141B of the Bombay Provincial Municipal Corporations Act, 1949, general tax, and".

Bom. LIX of
1949.

STATEMENT

Section 127 of the Bombay Provincial Municipal Corporations Act, 1949 empowers the Corporation to impose property taxes either under section 129 based on ratable value of buildings and lands or the property tax under section 141B based on carpet area of buildings and lands. Section 129 provides that property taxes shall comprise of water tax, conservancy tax, general tax and betterment charges. The Ahmedabad, Vadodara and Jamnagar Municipal Corporations have opted to impose the property tax under section 141B of the Act. The Civil Court at Vadodara has interpreted the provisions of law and held that imposition of water tax/charges and any other taxes by the Vadodara Municipal Corporation is illegal and without jurisdiction as the power to impose such taxes are not provided in section 141B of the Act.

2. The Corporation is providing services of water supply and sewerage and for that purpose it has to incur huge amounts for providing such water and other conservancy amenities. With a view to removing the infirmities and to explicit the intent and to empower the Corporation which has opted to impose the property tax under section 141B, also to impose other taxes viz. water tax, conservancy and sewerage tax and betterment charges as provided in section 129, it is considered necessary to insert new section 141AA and to make other consequential amendments in the Act with retrospective effect and to validate the assessment, levy and collection of such taxes and charges. Consequential amendment is also made in section 2 of the Gujarat Education Cess Act, 1962.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Acts to achieve the aforesaid objects.

Gandhinagar,
Dated the 20th January, 2007.

NAWAL KISHORE SHARMA,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

S. R. RAO,
Principal Secretary to Government.

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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII]

FRIDAY, MARCH 16, 2007/PHALGUNA 25, 1928

**Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.**

PART - IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 13th March, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 16th March, 2007).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2007.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

Short title.

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2007.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of six thousand one hundred thirty-two crores, fifty-two lacs, seventy-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2007, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs.
61,32,52,72,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2006-2007.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

No. of Vote / Appropriation	Services and Purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.
1	Agriculture and Co-operation Department	Revenue	34,15,000	34,15,000
2	Agriculture	Revenue	46,29,50,000	59,000 46,30,09,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	37,96,17,000	37,96,17,000
4	Animal Husbandry and Dairy Development	Revenue	5,16,01,000	5,16,01,000
5	Co-operation	Revenue	6,65,000	6,65,000
7	Other Expenditure pertaining to Agriculture and Cooperation Department	Revenue		19,000 19,000
8	Education Department	Revenue	21,50,000	21,50,000
9	Education	Revenue	3,10,54,21,000	1,60,68,000 3,12,14,89,000
10	Other Expenditure pertaining to Education Department	Revenue	35,05,000	35,05,000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	25,86,000	25,86,000
13	Energy Projects	Revenue	1,61,07,39,000	1,61,07,39,000
		Capital	7,40,20,61,000	7,40,20,61,000
15	Finance Department	Revenue	50,000	50,000
16	Tax Collection Charges (Finance Department)	Revenue	3,21,79,000	3,21,79,000
17	Treasury and Accounts Administration	Revenue	2,98,66,000	2,98,66,000
18	Pension and other Retirement Benefits.	Revenue	1,80,19,50,000	1,80,29,50,000
19	Other Expenditure pertaining to Finance Department	Revenue	2,000	2,000
		Capital	1,000	1,000

No. of Vote / Appropriation	Services and Purposes	Voted	Sums not exceeding		
				Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.	Rs.
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue		1,000	1,000
		Capital		1,000	1,000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	59,60,000		59,60,000
22	Civil Supplies	Revenue	5,48,95,000		5,48,95,000
26	Forest	Revenue	6,29,40,000	7,87,000	6,37,27,000
		Capital	69,45,90,000		69,45,90,000
31	Election	Revenue	7,91,66,000		7,91,66,000
32	Public Service Commission	Revenue	39,30,000	74,00,000	1,13,30,000
33	General Administration Department	Revenue	7,81,96,000		7,81,96,000
34	Economic Advice and Statistics	Revenue	16,20,000		16,20,000
35	Other Expenditure pertaining to General Administration Department	Revenue	2,59,20,000		2,59,20,000
38	Health and Family Welfare Department	Revenue	12,22,000		12,22,000
39	Medical and Public Health	Revenue	32,87,20,000	14,02,000	33,01,22,000
		Capital	13,15,47,000		13,15,47,000
42	Home Department	Revenue	67,17,000		67,17,000
43	Police	Revenue	47,63,02,000	1,55,000	47,64,57,000
44	Jails	Revenue	1,12,19,000		1,12,19,000
45	State Excise	Revenue	42,55,000		42,55,000
46	Other Expenditure pertaining to Home Department	Revenue	2,000		2,000
		Capital	16,68,15,000		16,68,15,000
48	Stationery and Printing	Revenue	52,76,000		52,76,000
49	Industries	Revenue	1,28,47,000		1,28,47,000
		Capital	40,00,000	5,90,000	45,90,000
50	Mines and Minerals	Revenue	1,000		1,000
51	Tourism	Revenue	1,82,23,000		1,82,23,000

No. of Vote / Appropriation	Services and Purposes	Sums not exceeding			Total Rs.
		Voted	Charged on the Consolidated Fund	3	
1	2	Rs.	Rs.	3	Rs.
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	11,07,00,000		11,07,00,000
54	Information and Publicity	Revenue	3,11,34,000		3,11,34,000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	21,25,000		21,25,000
56	Labour and Employment Department	Revenue	12,40,000		12,40,000
57	Labour and Employment	Revenue	1,67,16,000		1,67,16,000
60	Administration of Justice	Revenue	11,50,05,000	6,78,97,000	18,29,02,000
61	Other Expenditure pertaining to Legal Department	Revenue	1,75,17,000		1,75,17,000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	1,13,35,000		1,13,35,000
65	Narmada Development Scheme	Capital	5,00,00,00,000		5,00,00,00,000
66	Irrigation and Soil Conservation	Revenue	1,25,59,82,000	1,02,02,000	1,26,61,84,000
		Capital	6,25,09,45,000	2,06,16,000	6,27,15,61,000
67	Water Supply	Revenue	97,84,70,000		97,84,70,000
		Capital	1,68,45,64,000		1,68,45,64,000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	15,00,000	5,39,99,000	5,54,99,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	34,58,000		34,58,000
70	Community Development	Revenue	85,82,46,000		85,82,46,000
71	Rural Housing and Rural Development	Revenue	4,75,57,000		4,75,57,000
72	Compensation and Assignments	Revenue	54,96,80,000		54,96,80,000

No. of Vote / Appropriation	Services and Purposes	Voted	Sums not exceeding		
				Charged on the Consolidated Fund	Total
1	2	3	Rs.	Rs.	Rs.
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	6,50,00,000		6,50,00,000
74	Transport	Revenue	1,000		1,000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	18,74,000		18,74,000
		Capital	15,47,00,000		15,47,00,000
76	Revenue Department	Revenue	15,82,000		15,82,000
77	Tax Collection Charges (Revenue Department)	Revenue	5,21,10,000	32,50,000	5,53,60,000
78	District Administration	Revenue	4,89,70,000		4,89,70,000
79	Relief on account of Natural Calamities	Revenue	14,61,75,01,000	1,50,000	14,61,76,51,000
80	Dangs District	Revenue	1,22,02,000		1,22,02,000
81	Compensation and Assignments	Revenue		10,06,000	10,06,000
84	Non-Residential Buildings	Revenue		15,31,000	15,31,000
		Capital	11,54,000	6,63,000	18,17,000
85	Residential Buildings	Revenue		1,19,000	1,19,000
		Capital	1,50,00,000		1,50,00,000
86	Roads and Bridges	Revenue	2,73,79,28,000	44,36,000	2,74,23,64,000
		Capital		3,26,78,000	3,26,78,000
87	Gujarat Capital Construction Scheme	Capital		1,56,89,000	1,56,89,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	52,45,000	34,93,96,000	35,46,41,000
89	Science and Technology Department	Revenue	7,06,000		7,06,000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	5,06,000		5,06,000
		Capital	50,00,000		50,00,000
91	Social Justice and Empowerment Department	Revenue	8,98,000		8,98,000
92	Social Security and Welfare	Revenue	18,14,86,000		18,14,86,000

No. of Vote / Appropriation	Services and Purposes	Voted	Sums not exceeding		Total
				Charged on the Consolidated Fund	
1	2	3	Rs.	Rs.	Rs.
93	Welfare of Scheduled Tribes	Revenue	1,000	1,31,000	1,32,000
95	Special Component Plan for Scheduled Castes	Revenue	1,03,16,000		1,03,16,000
96	Tribal Area Sub-Plan	Revenue	1,12,35,74,000	4,06,77,000	1,16,42,51,000
		Capital	1,10,65,49,000	1,32,11,000	1,11,97,60,000
97	Sports, Youth and Cultural Activities Department	Revenue		5,10,000	5,10,000
98	Youth Services and Cultural Activities	Revenue	1,01,83,000		1,01,83,000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital		7,00,000	7,00,000
100	Urban Development and Urban Housing Department	Revenue	8,65,000		8,65,000
101	Urban Housing	Revenue	51,000		51,000
102.	Urban Development	Revenue	6,02,71,52,000		6,02,71,52,000
		Capital	11,62,00,000		11,62,00,000
103	Compensation, Assignment and Tax Collection Charges	Revenue	20,48,00,000		20,48,00,000
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	56,000		56,000
105	Women and Child Development Department	Revenue	9,45,000		9,45,000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	17,90,78,000		17,90,78,000
		Capital	1,000		1,000
Total:		Revenue	37,94,83,12,000	55,96,85,000	38,50,79,97,000
		Capital	22,73,38,27,000	8,34,48,000	22,81,72,75,000
Grand Total :			60,68,21,39,000	64,31,33,000	61,32,52,72,000

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FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

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PART IV

Acts of Gujarat Legislature and Ordinance Promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949 and to validate the levy and collection of property taxes and charges and to amend the Gujarat Education Cess Act, 1962.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

- | | |
|--|------------------------------|
| 1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment and Validation) Act, 2007. | Short title and commencement |
| (2) It shall be deemed to have come into force on the 9 th March, 1999. | |

Amendment
of section
127 of Bom.
LIX of 1949.

Bom. LIX of
1949.

Insertion of
new section
141AA in
Bom. LIX of
1949.

Property taxes
of what to
consist and at
what rate
leviable.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 127, in sub-section (1), in clause (a), for the words, figures and letter "property tax under section 141B", the words, figures and letters "under section 141AA" shall be substituted.

3. In the principal Act, after section 141A, for the heading "PROPERTY TAX", the following heading and section shall be inserted, namely :-

"PROPERTY TAXES"

141AA. For the purposes of sub-section (1) of section 127, property taxes shall comprise the following taxes which shall, subject to exceptions, limitations and conditions hereinafter provided, be levied on buildings and lands in the City:-

(a) a water tax at such percentage of the amount of general tax levied under section 141B as the Corporation shall deem reasonable, for providing water supply for the City:

Provided that the Corporation shall, with the previous sanction of the State Government, fix the minimum amount of such tax to be levied and may fix different minima for different classes of properties:

Provided further that the minimum amount of such tax to be levied shall,-

(i) in respect of any one separate holding of land or of any one building (not being premises used exclusively for residential purpose) or of any one portion of a building which is let as a separate holding and which is not used exclusively for residential purpose, be not less than five rupees per mensem for any official year;

(ii) in respect of any premises used exclusively for residential purpose, be not less than three rupees per mensem for any official year;

(b) a conservancy and sewerage tax at such percentage of the amount of general tax levied under section 141B as will in the opinion of the Corporation suffice to provide for the collection, removal and disposal of all excrementitious and polluted matters from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matters:

Provided that the Corporation shall, with the previous sanction of the State Government, fix the minimum amount of such tax to be levied and may fix different minima for different classes of properties:

Provided further that the minimum amount of such tax to be levied in respect of any one separate holding of land or of any one building or of any one portion of a building which is let as a separate holding shall be not less than two rupees per mensem for any official year and that the amount of such tax to be levied in respect of any hotel, club, industrial premises or other large premises may be specially fixed under section 137:

Provided also that while determining the rate of such tax under section 99 or 150, the Corporation may determine different rates for different classes of properties;

- (c) a general tax which may be levied in accordance with the provisions of section 141B, if the Corporation so determines on a graduated scale;
- (d) betterment charges leviable under Chapter XVI.

Explanation.—(i) Where any portion of a building or a land is liable to a higher rate of the general tax, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

(ii) The water tax for providing water supply for the City and the conservancy tax for the collection, removal and disposal of all excrementitious and polluted matters from privies, urinals and cess-pools and for efficiently maintaining and repairing the municipal drains may be levied and collected jointly as ‘water and sewerage charges’ at the rate based on the carpet area and the type of the property.”.

4. In the principal Act, in section 141B,-

- (1) in sub-section (1), for the words, brackets and figures “sub-section (1) of section 127, property tax”, the words, brackets, figures and letters “clause (c) of section 141AA, general tax” shall be substituted;
- (2) in sub-section (5), for the words “property tax”, the words “general tax” shall be substituted;
- (3) in the marginal note, for the words “property tax”, the words “general tax” shall be substituted.

Amendment
of section
141B of Bom.
LIX of 1949.

5. In the principal Act, in section 141C and in the marginal note, for the words “property tax”, the words “property taxes” shall be substituted.

Amendment
of section
141C of
Bom. LIX of
1949.

6. In the principal Act, in section 141D and in the marginal note, for the words “property tax”, the words “property taxes” shall be substituted.

Amendment
of section
141D of
Bom. LIX of
1949.

7. In the principal Act, in section 141E, for the words “property tax” occurring at two places, the words “general tax” shall be substituted.

Amendment
of section
141E of Bom.
LIX of 1949.

8. In the principal Act, for section 141F, the following section shall be substituted, namely :-

Amendment
of section
141F of Bom.
LIX of 1949.

Application of certain sections to levy property taxes.

Amendment of section 454 of Bom. LIX of 1949.

Amendment of APPENDIX I-A of Bom. LIX of 1949.

Validation of levy and collection of property taxes and charges.

"141F. The provisions of sections 140 and 141A shall apply in relation to property taxes levied under section 141AA subject to modifications specified in Appendix I-A.”.

9. In the principal Act, in section 454, in sub-section (2), for the words, figures and letter “property tax under section 141B”, the words, figures and letters “property taxes under section 141AA” shall be substituted.

10. In the principal Act, in Appendix I-A,-

(1) items at serial Nos. 1, 2 and 4 shall be deleted;

(2) for item at serial No.3, the following item shall be substituted, namely:-

“3. In section 140, in sub-section (1), for the portion beginning with the words “which the rent paid by such occupier” and ending with the words “of the said premises”, the following shall be substituted, namely:-

“as the carpet area of the premises occupied by such occupier bears to the aggregate carpet area of the said premises occupied by both or all of them.”.

11. (1) Notwithstanding anything contained in any judgment, decree or order of any court or authority, the property taxes or charges assessed, levied or collected or purported to have been assessed, levied or collected by the Corporation under the principal Act shall be and shall be deemed always to have been validly assessed, levied or collected in accordance with law as if the provisions of the principal Act as amended by this Act had been in force at all material times when such taxes or charges were assessed, levied or collected and accordingly-

(a) no suit, appeal, application or other proceedings shall be maintained or continued in any court or before any authority whatsoever for the refund of the said taxes or charges,

(b) no court or other authority shall enforce any decree or order directing refund of the said taxes or charges, and

(c) recoveries of such taxes or charges shall be made in accordance with the provisions of the principal Act as amended by this Act as if said provisions had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person-

(a) from questioning, in accordance with the provisions of the principal Act as amended by this Act, the assessment, levy or collection of the aforesaid taxes or charges, or

(b) from claiming, in accordance with the provisions of the principal Act as amended by this Act, refund of the aforesaid taxes or charges paid by him in excess of the amount due from him.

(c)

Guj. XXXV
of 1962.

12. In the Gujarat Education Cess Act, 1962, in section 2, in clause (viii), for sub-clause (i), the following sub-clause shall be substituted, namely:-

Amendment
of section 2
of Guj.
XXXV of
1962.

Bom. LIX of
1949.

"(i) in a City, where property tax is levied under section 129 or section 141B of the Bombay Provincial Municipal Corporations Act, 1949, general tax, and".

Guj. Ord. 1
of 2007.

13. (1) The Bombay Provincial Municipal Corporations (Gujarat Amendment and Validation) Ordinance, 2007 is hereby repealed.

Repeal and
savings.

Bom. LIX of
1949.
Guj. XXXV
of 1962.

(2) Notwithstanding such repeal, anything done or any action taken under the Bombay Provincial Municipal Corporations Act, 1949 and the Gujarat Education Cess Act, 1962, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

Government Central Press, Gandhinagar.



The Gujarat Government Gazette

EXTRAORDINARY PUBLISHED BY AUTHORITY

Vol. XLVIII] FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2008.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2007.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of forty-three thousand five hundred seventy crore, thirty-three lakhs, forty-four thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2007-08 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of
Rs. 4,35,70,33,44,000
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2007-2008.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		Rs.
1	Agriculture and Co-operation Department	Revenue	11,98,74,000	11,98,74,000
2	Agriculture	Revenue	5,79,59,88,000	5,79,59,88,000
		Capital	7,54,50,000	7,54,50,000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	1,16,27,15,000	1,16,27,15,000
		Capital	10,000	10,000
4	Animal Husbandry and Dairy Development	Revenue	1,11,96,12,000	1,11,96,12,000
5	Co-operation	Revenue	47,39,15,000	47,39,15,000
		Capital	87,00,000	87,00,000
6	Fisheries	Revenue	81,24,44,000	81,24,44,000
		Capital	5,00,00,000	5,00,00,000
7	Other Expenditure pertaining to Agriculture and Co-operation Department	Capital	59,10,000	59,10,000
8	Education Department	Revenue	3,49,90,000	3,49,90,000
9	Education	Revenue	48,91,72,44,000	50,26,88,64,000
		Capital	1,20,71,46,000	1,20,71,46,000
10	Other Expenditure pertaining to Education Department	Revenue	1,23,65,000	1,23,65,000
		Capital	17,90,45,000	17,90,45,000
11	Energy and Petro-Chemicals Department	Revenue	2,03,45,000	2,03,45,000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	6,36,65,000	6,36,65,000
13	Energy Projects	Revenue	21,81,90,90,000	21,81,90,90,000
		Capital	4,29,14,81,000	4,29,14,81,000
14	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	5,00,000	5,00,000
		Capital	13,00,000	13,00,000
15	Finance Department	Revenue	7,51,85,000	7,51,85,000
16	Tax Collection Charges (Finance Department)	Revenue	82,59,10,000	82,59,10,000
17	Treasury and Accounts Administration	Revenue	45,15,40,000	45,15,40,000
18	Pension and Other Retirement Benefits.	Revenue	20,02,76,50,000	20,02,86,50,000
19	Other Expenditure pertaining to Finance Department	Revenue	16,49,74,31,000	16,49,74,31,000
		Capital	1,56,60,000	1,56,60,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	73,81,15,09,000	73,81,15,09,000
		Capital	35,61,08,02,000	35,61,08,02,000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	9,02,13,000	9,02,13,000
22	Civil Supplies	Revenue	1,56,86,11,000	1,56,86,11,000
23	Food	Revenue	18,23,27,000	18,23,27,000
		Capital	23,95,000	23,95,000
24	Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	31,00,000	31,00,000
25	Forest and Environment Department	Revenue	2,96,85,000	2,96,85,000
26	Forest	Revenue	1,38,22,55,000	1,38,22,55,000
		Capital	1,02,17,71,000	1,02,17,71,000
27	Environment	Revenue	3,60,00,000	3,60,00,000
28	Other expenditure pertaining to Forest and Environment Department	Capital	62,60,000	62,60,000
29	Governor	Revenue	2,64,87,000	2,64,87,000
30	Council of Ministers	Revenue	2,48,85,000	2,48,85,000
31	Election	Revenue	73,91,46,000	73,91,46,000
32	Public Service Commission	Revenue	1,16,40,000	2,77,80,000
33	General Administration Department	Revenue	33,48,98,000	33,48,98,000
34	Economic Advice and Statistics	Revenue	10,52,71,000	10,52,71,000
35	Other Expenditure pertaining to General Administration Department	Revenue	2,23,73,10,000	20,70,000
		Capital	79,65,000	79,65,000
36	State Legislature	Revenue	10,54,00,000	16,60,000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	31,07,000	31,07,000
38	Health and Family Welfare Department	Revenue	8,43,20,000	8,43,20,000
39	Medical and Public Health	Revenue	9,31,22,70,000	9,31,22,70,000
		Capital	63,49,69,000	63,49,69,000
40	Family Welfare	Revenue	1,52,44,85,000	1,52,44,85,000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	16,35,000	16,35,000
		Capital	1,10,00,000	1,10,00,000
42	Home Department	Revenue	15,64,10,000	15,64,10,000
43	Police	Revenue	9,95,93,69,000	9,95,93,69,000
44	Jails	Revenue	29,71,51,000	29,71,51,000
45	State Excise	Revenue	5,58,20,000	5,58,20,000
46	Other Expenditure pertaining to Home Department	Revenue	33,61,29,000	3,00,000
		Capital	1,29,55,95,000	1,29,55,95,000
47	Industries and Mines Department	Revenue	8,02,00,000	8,02,00,000
48	Stationery and Printing	Revenue	38,23,85,000	38,23,85,000
49	Industries	Revenue	35,63,20,000	35,63,20,000
		Capital	1,20,30,50,000	1,20,30,50,000
50	Mines and Minerals	Revenue	35,73,24,000	35,73,24,000

No. of Vote/ Approp- riation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
51	Tourism	Revenue	79,66,35,000	79,66,35,000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	21,86,50,000	21,86,50,000
		Capital	1,50,10,000	1,50,10,000
53	Information and Broadcasting Department	Revenue	58,50,000	58,50,000
54	Information and Publicity	Revenue	28,71,60,000	28,71,60,000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	3,31,12,000	3,31,12,000
		Capital	35,00,000	35,00,000
56	Labour and Employment Department	Revenue	4,13,10,000	4,13,10,000
57	Labour and Employment	Revenue	1,51,58,04,000	1,51,58,04,000
58	Other Expenditure pertaining to Labour and Employment Department	Capital	55,55,000	55,55,000
59	Legal Department	Revenue	4,65,43,000	4,65,43,000
60	Administration of Justice	Revenue	1,49,13,99,000	29,00,47,000
61	Other Expenditure pertaining to Legal Department	Revenue	18,43,97,000	18,43,97,000
		Capital	1,65,06,000	1,65,06,000
62	Legislative and Parliamentary Affairs Department	Revenue	2,09,02,000	1,15,000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	10,00,000	10,00,000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	6,12,35,000	6,12,35,000
65	Narmada Development Scheme	Capital	20,33,75,00,000	20,33,75,00,000
66	Irrigation and Soil Conservation	Revenue	4,24,30,74,000	4,24,30,74,000
		Capital	12,38,81,95,000	12,38,81,95,000
67	Water Supply	Revenue	3,02,55,50,000	3,02,55,50,000
		Capital	7,46,30,50,000	7,46,30,50,000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	25,00,000	25,00,000
		Capital	2,40,20,000	2,40,20,000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	3,32,51,000	3,32,51,000
70	Community Development	Revenue	4,60,84,15,000	4,60,84,15,000
71	Rural Housing and Rural Development	Revenue	3,59,17,69,000	1,63,44,00,000
72	Compensation and Assignments	Revenue	63,14,27,000	63,14,27,000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	1,27,94,25,000	1,27,94,25,000
		Capital	7,25,20,000	7,25,20,000
74	IVT Exports-2	Revenue	3,86,50,48,000	3,86,50,48,000
		Capital	1,91,75,00,000	1,91,75,00,000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	98,06,000	98,06,000
		Capital	7,00,000	7,00,000
76	Revenue Department	Revenue	17,94,59,000	17,94,59,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
77	Tax Collection Charges (Revenue Department)	Revenue	75,38,74,000	75,38,74,000
78	District Administration	Revenue	95,57,53,000	95,57,53,000
79	Relief on account of Natural Calamities	Revenue	5,00,24,27,000	5,00,24,27,000
		Capital	5,48,40,00,000	5,48,40,00,000
80	Dangs District	Revenue	20,75,32,000	20,75,32,000
81	Compensation and Assignments	Revenue	35,71,85,000	35,91,55,000
		Capital	31,00,000	33,00,000
82	Other Expenditure pertaining to Revenue Department	Revenue	97,77,000	97,77,000
		Capital	42,15,000	42,15,000
83	Roads and Buildings Department	Revenue	8,43,20,000	8,43,20,000
84	Non-Residential Buildings	Revenue	2,74,01,05,000	2,74,13,05,000
		Capital	3,17,58,95,000	3,17,58,95,000
85	Residential Buildings	Revenue	84,78,51,000	84,78,51,000
		Capital	29,55,80,000	29,55,80,000
86	Roads and Bridges	Revenue	9,98,35,13,000	9,98,35,13,000
		Capital	8,95,95,01,000	8,95,95,01,000
87	Gujarat Capital Construction Scheme	Revenue	8,11,70,000	8,11,70,000
		Capital	50,70,00,000	50,70,00,000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	12,28,05,000	12,28,05,000
		Capital	6,30,00,000	6,30,00,000
89	Science and Technology Department	Revenue	41,87,75,000	41,87,75,000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	30,34,75,000	30,34,75,000
		Capital	13,81,00,000	13,81,00,000
91	Social Justice and Empowerment Department	Revenue	2,69,55,000	2,69,55,000
92	Social Security and Welfare	Revenue	3,59,60,81,000	3,60,60,81,000
		Capital	11,59,50,000	11,59,50,000
93	Welfare of Scheduled Tribes	Revenue	83,86,15,000	83,86,15,000
		Capital	5,15,00,000	5,15,00,000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	62,55,000	62,55,000
95	Scheduled Castes Sub Plan	Revenue	4,21,74,43,600	4,21,74,43,600
		Capital	57,08,00,000	57,08,00,000
96	Tribal Area Sub-Plan	Revenue	14,68,08,62,000	14,68,08,62,000
		Capital	10,38,75,96,000	10,38,75,96,000
97	Sports, Youth and Cultural Activities Department	Revenue	2,68,60,000	2,68,60,000
98	Youth Services and Cultural Activities	Revenue	46,13,86,000	46,13,86,000
99	Other Expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	10,15,000	10,15,000

E.S. A.

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding			
		Voted	Charged on the Consolidated Fund	Total	
1	2	3			
100	Urban Development and Urban Housing Department	Revenue	1,86,15,000	1,86,15,000	
101	Urban Housing	Revenue	6,63,000	64,04,23,000	
102	Urban Development	Revenue	13,07,69,80,000	13,07,69,80,000	
		Capital	50,00,00,000	50,00,00,000	
103	Compensation, Assignment and Tax Collection Charges	Revenue	94,90,00,000	32,01,03,000	
104	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	78,51,000	78,51,000	
		Capital	30,11,000	30,11,000	
105	Women and Child Development Department	Revenue	1,01,77,000	1,01,77,000	
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	2,23,89,16,000	50,00,000	
		Capital	5,08,04,000	5,08,04,000	
GRAND TOTAL		Revenue	2,39,38,05,29,000	78,12,50,21,000	
TOTAL		Capital	82,58,66,92,000	35,61,11,02,000	
TOTAL			3,21,96,72,21,000	1,13,73,61,23,000	
TOTAL				4,35,70,33,44,000	

GOVERNMENT CENTRAL PRESS, GANDHINAGAR

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The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. XLVIII] FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The Following Act of the Gujarat Legislature having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2007. Short title and commencement.
- (2) It shall come into force on the 1st April, 2007.

Amendment of section 2 of Bom. LXV of 1958. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as 'the principal Act'), in section 2,-

(1) for clause (1A), the following clause shall be substituted, namely :-

"(1A) "cost of vehicle" in relation to -

- (a) a vehicle manufactured in India means the sale price of the vehicle as shown in the sale invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle; and
- (b) a vehicle imported into India means sum of value of vehicle as assessable under the Customs Act, 1962 and ^{52 of 1962.} endorsed as such in the Bill of Entry under that Act including the amount of custom duty and any other duty, cess or charges paid or payable thereon;";

(2) for clause (2A), the following clause shall be substituted, namely :-

"(2A) "half year" means a period of six months of a year commencing from the 1st day of April and the 1st day of October;";

(3) for clause (4), the following clause shall be substituted, namely :-

(4) "quarter" means a period of three months of a year commencing from the 1st day of April, 1st day of July, 1st day of October and the 1st day of January;"

(4) for clause (9), the following clause shall be substituted, namely :-

"(9) "Year" means the financial year;"

(5) in clause (10), the words "or the rules made thereunder" shall be added at the end.

3. In the principal Act, in section 3, in sub-section (1), -
- (1) for the words "Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Schedules", the words "Second and Third Schedules" shall be substituted;
- (2) in the first proviso, -
- (a) for the words "Fourth Schedule or Sixth Schedule or Eighth Schedule or Tenth Schedule", the words "Second Schedule or Third Schedule" shall be substituted;
- (b) for the words, letters and figures "not exceeding Rs. 250", the words, letters and figures "not exceeding Rs. 5000" shall be substituted.
4. In the principal Act, in section 4, -
- (1) in sub-section (1AA), in the Table, -
- (a) in entry (a), -
- (i) in column 1, the words "or a motor vehicle of like description falling in Part II" shall be deleted;
- (ii) in column 2, the words "or the *lump sum* tax specified in the Third Schedule" shall be added at the end;
- (b) in entry (b), in column 2, the words "or in case of the ordinary designated omni buses licensed to carry not more than twelve passengers including maxi cab, *lump sum* tax specified in the Third Schedule" shall be added at the end;
- (2) in sub-section (1AB), in clause (a), the words "Third Schedule, Fourth Schedule, Fifth Schedule, Sixth Schedule, Seventh Schedule, Eighth Schedule, Ninth Schedule, Tenth Schedule or Eleventh Schedule", shall be deleted.

Amendment of
section 3 of
Bom. LXV of 1958.

Amendment of
section 4 of
Bom. LXV of
1958.

(3) after sub-section (1AB), following sub-section shall be inserted, namely :-

"(1ABB) Notwithstanding anything contained in this section,-

(i) where any motor vehicle is registered on or after the 1st April, 2007, the registered owner or the person having possession or control of such vehicle shall pay the tax at the rate of one-twelfth of the annual rate of tax per month for the entire period starting from the first day of the month in which the motor vehicle is registered till the end of that year;

(ii) where any motor vehicle is registered prior to the 1st April, 2007, the registered owner or the person having possession or control of such vehicle shall pay the tax at the rate of one-twelfth of the annual rate of tax per month for the entire period starting from the period from the next day upto which tax has already been paid till the end of the 31st March, 2008.”.

Amendment of 5. In the principal Act, in section 7, in clause (b) for the words section 7 of “Third Schedule” occurring at two places, the words “Second Schedule Bom. or the Third Schedule” shall be substituted.
LXV of 1958.

Amendment of 6. In the principal Act, in section 8A, in sub-section (1), for the words “at the rate of two per cent. for each month or part thereof”, the words “at such rate not exceeding eighteen per cent. per annum, as the State Government may, by notification in the *Official Gazette*, specify” shall be substituted.

Amendment of 7. In the principal Act, in section 11, in sub-section (2), in clause (c), for the words “Twelfth Schedule”, the word “Fourth Schedule” shall be substituted.
section 11 of
Bom. LXV of
1958.

Amendment of 8. In the principal Act, in the section 12B, for the words, “an Inspector of Motor Vehicles”, the words “an Assistant Inspector of Motor Vehicles” shall be substituted.
section 12B of
Bom. LXV of
1958.

9. In the principal Act, in section 14, to sub-section (1), the following proviso shall be added, namely :-

"Provided that no appeal shall be entertained by an appellate authority unless such appeal is accompanied by a proof of payment of twenty-five per cent. of the amount of tax (excluding the amount of penalty and interest) in respect of which appeal has been preferred,".

Amendment of
section 14 of
Bom. LXV of
1958.

10. In the principal Act, in section 25, for the words "Thirteenth Schedule" the words "Fifth Schedule" shall be substituted.

Amendment of
section 25 of
Bom. LXV of
1958.

11. In the principal Act, in the First Schedule,-

Amendment of
First Schedule
to Bom. LXV
of 1958.

(1) (i) in column I, for the portion beginning with the words "Part - I Motor Vehicles" and ending with the words "Solar energy", the words "Types of Motor Vehicles" shall be substituted.

(ii) in clause III,-

(a) for item (d), the following item shall be substituted, namely:-

"(d) Vehicles, the gross vehicle weight of Rs. 3000 plus Rs. 2000 for which exceeds 3000 KG. every 1000 KG. or part thereof in excess of 3000 KG.;"

(b) for items (e), (f), and (g), the following item shall be substituted, namely :-

"(e) Vehicles, the gross vehicle weight of Rs. 6000; which does not exceed 3000 KG. brought in for use or kept for use in the State for a temporary period.

(iii) in clause IV,-

(a) in item (a), in column II, for the letters, words and figures, "Rs. 1100 plus Rs. 100", the letters, words and figures "Rs. 2000 plus Rs. 200" shall be substituted;

(b) in item (b),-

(a) in sub-item (i), in column II, for the letters and figures, "Rs. 400", the letters and figures "Rs. 600" shall be substituted.

- (ii) in sub-item (ii), in column II, for the letters and figures "Rs. 9000", the letters and figures "Rs.15000" shall be substituted;
- (vii) clause V shall be deleted;
- (viii) in clause VI, -
 - (a) in sub-clause (i), -
 - (i) in item (d), in column I, for the figures and letters "2250 KG", the figures and letters "2000 KG." shall be substituted and in the column II, for the figures "1500", the figures "3000" shall be substituted;
 - (ii) in item (e), in column I, for the figures and letters "2250 KG.", the figures and letters "2000 KG." shall be substituted; and in the column II, for the letters, word and figures "Rs. 1500 plus Rs. 20", the letters, figures and words "Rs. 2000 plus Rs. 200" shall be substituted;
 - (iii) in item (f), -
 - (i) in sub-item (i), in column I, for the figures, letters and words "2250 KG. in weight unladen", the letters, figures and words "2000 KG. in weight" shall be substituted; and for column II, the following column shall be substituted, namely :-

"Rs. 3000 plus Rs. 1000 for every additional 1000 KG. or part thereof, in excess of 2000 KG.;"

- (ii) in sub-item (ii), for the figures and letters "2250 KG.", the figures and letters "2000 KG." shall be substituted; and the words "or any construction equipment vehicles or breakdown van used for towing disabled vehicles" shall be added at the end.

- (b) in sub-item (ii), in column II, for the letters and figures, "Rs. 900", the letters and figures "Rs. 1300" shall be substituted.
- (c) in sub-item (iii), in column II, for the letters and figures "Rs. 100", the letters and figures "Rs. 150" shall be substituted;
- (iv) in clause IVA, in column II, for the letters and figures "Rs. 500", the letters and figures "Rs. 5000" shall be substituted;
- (v) in clause IVAA,-
 - (a) in item (a), in column II, for the letters and figures "Rs. 13000", the letters and figures "Rs. 20000" shall be substituted;
 - (b) in item (b), in column II, for the letters and figures "Rs. 18000", the letters and figures "Rs. 30000" shall be substituted;
- (vi) in clause IVAAA,-
 - (a) in item (a),-
 - (i) in sub-item (i), in column I, the words "including maxi cabs" shall be added at the end, and in column II, for the letters and figures "Rs. 1800", the letters and figures "Rs. 3000" shall be substituted;
 - (ii) in sub-item (ii), in column II, for the letters and figures "Rs. 3800", the letters and figures "Rs. 6000" shall be substituted;
 - (iii) in sub-item (iii), in column II, for the letters and figures "Rs. 6000", the letters and figures "Rs. 15000" shall be substituted;
 - (b) in item (b),-
 - (i) in sub-item (i), in column II, for the letters and figures "Rs. 6500", the letters and figures "Rs. 15000" shall be substituted;

- (ix) after clause VIII, after Explanation IAA, the following explanation shall be inserted, namely :-

"Explanation IAAA.- For the purpose of clauses IVAA and IVAAA, where the sleeper designated omnibus consists of both the berths and the seats, the total number of passengers licenced to carry by such omnibus shall be taken into consideration for the purpose of calculating the rate of tax under this Schedule."

- (2) Part II shall be deleted.

- Substitution of Second and Third to Bom. LXV of 1958,** 12. In the principal Act, for the Second Schedule and the Third Schedule, the following Schedules shall be substituted, namely :-

“SECOND SCHEDULE

(See section 3 and sub-section (1AB) of section 4)

Part-I	Motor vehicles registered in the State of Gujarat on or after the 1st April, 2007.	Maximum rate of lump sum Tax (Rs.)
I	Motor Vehicles (other than transport vehicles)-	
(i)	Motor Vehicles not exceeding 250 KG in weight, unladen adapted and used for invalids.	15 per cent. of cost of the vehicle.
(ii)	Motor Vehicles including a trailer to carry personal effects or a camping trailer for private use, attached to such motor vehicle owned by an individual, an educational institution, a local authority, a public trust, a social welfare institution or a University: Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.	
(iii)	Motor cycles and tricycles (including motor-scooters and cycles with attachment for propelling the same by mechanical power) owned by an individual, an educational institution, a social welfare institution, a public trust, a local authority or a University.	
(iv)	Tractors used solely for agricultural operations.	

- II** Motor vehicles plying for hire and used for the carriage of passengers.
- (i) Two wheelers vehicles licensed to carry not more than two passengers.
 - (ii) Three wheelers vehicles ordinarily known as *auto rickshaw*, licensed to carry not more than six passengers.
 - (iii) Four wheelers vehicles licensed to carry not more than six passengers.
- III** Motor vehicles (including tricycles) used for the carriage of goods or materials -
- Motor vehicles (including tricycles) used for the carriage of goods or materials, the gross vehicle weight of which does not exceeds 3000 KG:
- Provided that where a tax on motor vehicle is levied by any local authority, the maximum rate of tax under this clause for motor vehicles registered for use solely within the limits of such local authority shall,-
- (i) in cases where such motor vehicles are wholly or partially exempted by such local authority from the tax levied by such local authority, be the rates specified in this clause;
 - (ii) in any other case, be two-thirds of the rates so specified.
- (IV)** Motor vehicles falling under clause I (except sub-clause (i)) and owned by a person other than an individual, an educational institution, a social welfare institution, a public trust, a local authority or a University. Twice the rates specified in clause I.
- (V)** Motor vehicles falling under clause I, or clause II and manufactured out of India and imported into India after the 31st March, 2007. Twice the rates specified in clause I or clause II or, as the case may be, clause IV.

Explanation I. – For the purposes of calculating the rate of *lump sum* tax under this Schedule, if the sale invoice of the vehicle, or as the case may be, the Bill of Entry is not produced for any reason, then, the cost of vehicle shall be calculated as follows, namely :-

- (I) (i) In case of model of such vehicle is being manufactured, the cost of vehicle certified by a local dealer or manufacturer of such vehicle;

- (ii) In case the manufacture of such model has ceased, the prevailing market price of such vehicle certified by the Taxation Authority.
- (2) If the cost of vehicle could not be calculated as per clause (1), the prevailing cost of similar vehicle determined by the Commissioner of Transport, closest in engine capacity and unladen weight of the vehicle in respect of which a tax is to be levied and collected.

Explanation II.- "educational institution" shall mean such educational institution as is recognized by the State Government by order, notified in the *Official Gazette*, in this behalf;

Explanation III.- "social welfare institution" shall mean any institution engaged in any activity conducive to the welfare of the general public and recognized by the State Government by order notified in the *Official Gazette*, for the purposes of this Schedule;

Explanation IV.- "public trust" shall mean a public trust registered under the Bombay Public Trusts Act, 1950 as in force in the State of Gujarat;

Bom. XXIX
of 1950.

Explanation V.- "local authority" shall mean any Municipal Corporation, Municipality, Cantonment Board or Panchayat constituted under any law for the time being in force in the State of Gujarat;

Explanation VI.- "University:" shall mean a University established by or under any law for the time being in force in the State of Gujarat.

Explanation VII.- If a motor vehicle is jointly owned by more persons than one, then notwithstanding anything contained in the proviso to sub-section (1) of section 41 of the Motor Vehicles Act, 1988, such motor vehicle shall, be deemed to be owned by a person other than an individual.

Part-II **Motor Vehicles registered in any other State and brought in for use or kept for use in the State of Gujarat on or after the 1st April, 2007.**

Motor Vehicles specified in Part I of this Schedule.

Maximum 100
per cent. of the
tax.

Explanation.- For the purposes of this Schedule, the expression 'tax' means the tax leviable under the Part I.

THIRD SCHEDULE
(See section 3 and sub-section (1AA) of section 4)

Part-I	Motor vehicles registered in the State of Gujarat on or after the 1st April, 2007 which are transport vehicles.	Maximum rate of lump sum tax
I.	Ordinarily designated omnibuses licensed to carry not more than twelve passengers including maxi cab.	15 percent of the cost of vehicle.
II.	Motor vehicles used for the carriage of goods or material the gross vehicle weight of which exceeds 3000 KG, but does not exceed 7500 KG.	
III.	Motor vehicles used for the carriage of goods or material the gross vehicle weight of which exceeds 7500 KG, but does not exceed 12000 KG.	
IV.	Motor vehicles used for the carriage of goods or material the gross vehicle weight of which exceeds 12000 KG.	

Provided that where a tax on motor vehicle is levied by any local authority, the maximum rate of tax under this clause for motor vehicles registered for use solely within the limits of such local authority shall,-

(i) in cases where such motor vehicles are wholly or partially exempted by such local authority from the tax levied by such local authority, be the rates specified in this clause;

(ii) in any other case, be two-thirds of the rates so specified.

Explanation I.- “local authority” shall mean any Municipal Corporation, Municipality, Cantonment Board or Panchayat constituted under any law for the time being in force in the State of Gujarat;

Explanation II.- For the purposes of calculating the rate of *lump sum* tax under this Schedule if the sale invoice of the vehicle, or as the case may be, the Bill of Entry is not produced for any reason, then, the cost of vehicle shall be calculated as follows, namely :-

- (1) (i) In case of model of such vehicle is being manufactured, the cost of vehicle certified by a local dealer or manufacturer of such vehicle;
- (ii) In case the manufacture of such model has ceased, the prevailing market price of such vehicle determined by the Taxation Authority.

(2)

If the cost of vehicle could not be calculated as per clause (1), the prevailing cost of similar vehicle determined by the Commissioner of Transport, closest in engine capacity and unladen weight of the vehicle respect of which a tax is to be levied and collected.

Explanation III.— For the purposes of calculating the rate of *lump sum* tax under this Schedule, in case of articulated vehicle and combination of tractor-trailer, the sale price is sum total of sale price of tractor and sale price of trailer or, as the case may be, semi trailer.

Part-II Transport Vehicles registered in the State of Gujarat and the registered owner or person having possession or control of such vehicle opts for the *lump sum* tax.

Motor Vehicles specified in Part I of this Schedule	100 per cent. of the tax.
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Part-III Transport vehicles registered in any other State and brought in for use or kept for use on or after the 1st April, 2007.

Motor vehicles specified in Part I of this Schedule	100 per cent. of the tax.
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Explanation.— For the purposes of this Schedule, the expression ‘tax’ means the tax leviable under the Part I.”

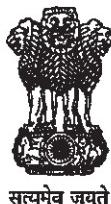
**Deletation
of certain
Schedules.**

13. In the principal Act, the FOURTH SCHEDULE, FIFTH SCHEDULE, SIXTH SCHEDULE, SEVENTH SCHEDULE, EIGHTH SCHEDULE, NINTH SCHEDULE, TENTH SCHEDULE and ELEVENTH SCHEDULE shall be deleted.

**Renumbering of
Twelfth and
Thirteenth
Schedules to
Bom. LXV of
1958.**

14. In the principal Act, the existing TWELFTH SCHEDULE shall be renumbered as FOURTH SCHEDULE and THIRTEENTH SCHEDULE shall be renumbered as FIFTH SCHEDULE.

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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII]

FRIDAY, MARCH 30, 2007/ CAITRA 9, 1929

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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Gujarat Education Cess Act, 1962.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Education Cess (Amendment) Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Amendment of
section 2 of Guj.
XXXV of 1962.

2. In the Gujarat Education Cess Act, 1962 (hereinafter referred to as 'the principal Act'), in section 2, in clause (iv), in sub-clause (iii), the word, figures and letter "or 24D" shall be added at the end.

Amendment of
section 3 of Guj.
XXXV of 1962.

3. In the principal Act, in section 3, for clauses (a) and (b), the following clauses shall be substituted, namely :-

- (a) a surcharge levied on lands under section 5 or 7;
- (b) a tax levied on lands and buildings under section 12;
- (c) a surcharge levied on lands and buildings under section 24A or 24D.”.

Amendment of
section 23 of Guj.
XXXV of 1962.

4. In the principal Act, in section 23, after sub-section (2), the following sub-section shall be inserted, namely :-

“(2A) Where any building assessed to tax is situated in the municipal borough area and if such building or any portion thereof is demolished or removed otherwise than by an order of the Chief Officer and notice in respect of such demolition or removal has been given to the Chief Officer under the Gujarat Municipalities Act, 1963, the municipality shall remit or refund such portion of tax in such manner and subject to such conditions as may be prescribed.”.

Guj. 34 of 1964.

Amendment of
Chapter IV A of
Guj. XXXV of
1962.

5. In the principal Act, in the Chapter IVA, in the heading, the words "IN THE CITY AREA" shall be added at the end.

Insertion of new
Chapter IVB in
Guj. XXXV of
1962.

6. After Chapter IVA, the following Chapter shall be inserted, namely :-

"CHAPTER IVB

SURCHARGE ON LANDS AND BUILDINGS IN THE MUNICIPAL BOROUGH AREA

Levy of
surcharge.

24D. (1) In a Municipal borough area where property tax is levied and collected on basis of carpet area under section 99A of the Gujarat Municipalities Act, 1963, there shall, subject to provisions of this Act, be levied and collected a surcharge on lands and buildings in such Municipal Borough area at the following rates, namely :-

Guj. 34 of 1964.

- (a) where a building or land is used for residential purpose or any purpose other than trade, commerce or industry or the carrying on of a profession or business --

- (i) if the property tax exceeds three hundred rupees but does not exceed one thousand rupees, at the rate of three per cent. of the property tax;
 - (ii) if the property tax exceeds one thousand rupees but does not exceed two thousand five hundred rupees, at the rate of five per cent. of the property tax;
 - (iii) if the property tax exceeds two thousand five hundred rupees, but does not exceed four thousand five hundred rupees, at the rate of six per cent. of the property tax;
 - (iv) if the property tax exceeds four thousand five hundred rupees, but does not exceed six thousand rupees, at the rate of seven per cent. of the property tax; and
 - (v) if the property tax exceeds six thousand rupees, at the rate of ten per cent. of the property tax.
- (b) where a building or land is used for the purpose of trade, commerce or industry or the carrying on of a profession or business -
- (i) if the property tax exceeds three hundred rupees but does not exceed one thousand rupees, at the rate of seven per cent. of the property tax;
 - (ii) if the property tax exceeds one thousand rupees but does not exceed two thousand five hundred rupees, at the rate of eleven per cent. of the property tax;
 - (iii) if the property tax exceeds two thousand five hundred rupees, but does not exceed four thousand five hundred rupees, at the rate of fourteen per cent. of the property tax;
 - (iv) if the property tax exceeds four thousand five hundred rupees, but does not exceed six thousand rupees, at the rate of sixteen per cent. of the property tax; and
 - (v) if the property tax exceeds six thousand rupees, at the rate of twenty per cent. of the property tax.
- (2) Where any land, building, tenement or a part of a building is separately assessed to property tax but is simultaneously used for two or more purposes mentioned in sub-section (1), the surcharge under this section shall be levied at the highest rate applicable in relation to any of

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the purposes for which the land, building, tenement or a part of a building is used.

(3) In computing the amount of surcharge payable under this section, any amount less than fifty paise shall be ignored and any amount which is fifty paise or more shall be increased to one rupee.

**Authority
competent to
collect
surcharge.**

24E. (1) The surcharge (including any penalty) shall be collected by the Municipality in the same manner in which the tax on lands and buildings is collected under the provisions of the Gujarat Municipalities Act, 1963.

Guj. 34 of 1964.

(2) The collection of surcharge and recovery of penalty on behalf of the Municipality shall be made by the appropriate authority appointed to collect the tax on lands and buildings on behalf of the municipality under the Gujarat Municipalities Act, 1963.

Guj. 34 of 1964.

(3) The Municipality shall in respect of the cost of the collection of the surcharge be entitled to such rebate as may be prescribed.

**Application of
certain sections
with
modifications
for levy of
surcharge.**

24F. The provisions of sections 13, 14, 16, 17, 18, 19, 21, 23 and 24 shall apply in relation to surcharge levied under section 24D subject to the modifications specified in the Schedule.”

**Amendment of
section 28 of Guj.
XXXV of 1962.**

7. In the principal Act, in section 28, in sub-section (2), -

(a) in clause (c), after the word, figures and letter “section 24A”, the word, figures and letter “or 24D” shall be inserted;

(b) after clause (cc), the following clause shall be inserted, namely :-

“(ccc) rebate which the municipality shall be entitled under sub-section (3) of section 24E;”.

**Amendment of
Schedule to
Guj. XXXV of
1962.**

8. In the Schedule, -

(1) in the heading, after the word, figures and letter “section 24C”, the word, figures and letter “and 24F” shall be added;

(2). in item at serial No. 1, after the word, figures and letter “section 24A”, the word, figures and letter “or 24D” shall be inserted;

- (3) in item at serial No. 3, after the word, figures and letter "section 24B" occurring at two places, the word, figures and letter "or 24E" shall be inserted;
- (4) in item at serial No. 6, after the word, figures and letter "section 24A" occurring at two places, the word, figures and letter "or 24D" shall be inserted;
- Guj. 34 of 1964. (5) In item at serial No. 8, after the words "the City", the words "or under the Gujarat Municipalities Act, 1963, then the Municipality" shall be inserted.
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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII] FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

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(The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.)

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Bombay Electricity Duty Act, 1958.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Electricity Duty (Gujarat Amendment) Act, 2007. Short title and commencement.
- (2) It shall come into force on the 1st April, 2007.

Amendment of 2. In the Bombay Electricity Duty Act, 1958, in Schedule I, in
Schedule I to Part I,-
Bom. LX of 1958.

Bom. XL of 1958.

(1) in item (1),-

- (a) in sub-item (a), in column 2, for the figures and words "20 per cent.", the figures and words "10 per cent." shall be substituted;
- (b) for sub-item (b), the following sub-item shall be substituted, namely:-

" (b) in urban areas	20 per cent. of Consumption charges. ";
----------------------	---

(2) in item (1A), -

- (a) in sub-item (a), in column 2, for the figures and words, "15 per cent.", the figures and words "10 per cent." shall be substituted;
- (b) for sub-item (b), the following sub-item shall be substituted, namely:-

" (b) in urban areas	20 per cent. of Consumption charges. ";
----------------------	---

(3) for item (1B), the following item shall be substituted, namely:-

"(1B) For energy consumption by Hostel for students

- (i) in rural areas 10 per cent. of Consumption charges.
- (ii) in urban areas 15 per cent. of Consumption charges. ";

(4) in item (3), in column 2, for the figures and words "30 per cent.", the figures and words "25 per cent." shall be substituted;

(5) in item (4), in sub-item (b), in column 2, for the figures and words "30 per cent.", the figures and words "25 per cent." shall be substituted;

(6) in item (7), in column 2, for the figures and words "30 per cent.", the figures and words "25 per cent." shall be substituted.



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The Gujarat Government Gazette

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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment) Act, 2007. Short title and commencement.
- (2) It shall come into force on the 1st April, 2007.

Amendment of
Schedule I to
Bom. LX of
1958.

2. In the Bombay Stamp Act, 1958, in Schedule I, -

Bom. LX of
1958.

(1) in article 20, -

- (a) in clause (a), for the words "Four rupees and twenty-five paise", the words "Three rupees and fifty paise" shall be substituted;
- (b) in clause (b), for the words "Four rupees and twenty-five paise", the words "Three rupees and fifty paise" shall be substituted.

(2) in article 27, in clause (b), in entry (i), for the words "Four rupees and twenty-five paise", the words "Three rupees and fifty paise" shall be substituted.

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The Gujarat Government Gazette

EXTRAORDINARY

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H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

Guj. 16
of 1977.

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 2007.

(2) It shall come into force on the 1st April, 2007.

2. In the Gujarat Entertainments Tax Act, 1977, in section 10, in sub-section (2), for the words "at the rate of twenty-four per cent. per annum", the words "at such rate not exceeding eighteen per cent. per annum, as the State Government may, by notification in the *Official Gazette*, specify," shall be substituted.

Short title and
commencement.

Amendment
of section 10
of Guj.16 of
1977.

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EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII] FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 2007.

Short title
and
commencement.

(2) It shall come into force on the 1st April, 2007.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977, in section 7A, for the words "at two per cent. of the amount of tax due for each month or part thereof", the words "at such rate not exceeding eighteen per cent. per annum, as the State Government may, by notification in the *Official Gazette*, specify," shall be substituted.

Amendment of
section 7A of
Guj. 24 of 1977.

Guj. 24
of 1977.

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The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. XLVIII] FRIDAY, MARCH 30, 2007/CAITRA 9, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2007. Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in Schedule I, the entry at serial No.51C shall be deleted. Amendment of Schedule I to Guj.1 of 2005.

3. In the principal Act, in Schedule II, the entry at serial No.76A shall be deleted. Amendment of Schedule II to Guj.1 of 2005.

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The Following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th March, 2007).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Stamp (Gujarat Second Amendment) Act, 2007. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Bom. LX 1958. 2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in section 2,-

- (1) in clause (i), the following Explanation shall be added, namely:-

"Explanation.- The terms "signed" and "signature" also include attribution of electronic record as provided in section 11 of the Information Technology Act, 2000.". 21 of 2000.

- (2) in clause (ja), the following Explanation shall be added, namely:-

"Explanation.- Where any plant and machinery of a factory transferred or sold with the intention of running the said factory, such transaction shall be deemed to be a transaction of the immovable property.";

- (3) in clause (k), after entry (iii), the following entry shall be added, namely :-

"(iv) receipted chalan or the certificate issued under e-stamping system or any other system as may be prescribed by rules.";

- (4) in clause (l), the following Explanation shall be added, namely:-

"Explanation.- The term "document" also includes any electronic record as defined in clause (t) of sub-section (l) of section 2 of the Information Technology Act, 2000.". 21 of 2000.

Amendment of section 5 of Bom. LX 1958. 3. In the principal Act, in section 5, after the word "matters" occurring at two places, the words "or distinct transactions" shall be inserted.

Amendment of section 9 of Bom. LX 1958. 4. In the principal Act, in section 9, in clause (b), the words "or any instrument chargeable with duty under Schedule I" shall be added at the end.

Amendment of section 10 of Bom. LX of 1958. 5. In the principal Act, in section 10, in sub-section (2B), in clause (iii), the words "and for other systems specified in entry (iv) of clause (k) of section 2" shall be added at the end.

Deletion of section 32B of Bom. LX of 1958. 6. In the principal Act, section 32B shall be deleted.

7. In the principal Act, after section 46, the following section shall be inserted, namely:-

"46A. (1) The Collector may, for the purpose of this Act, require any trading member of any stock exchange or an association as defined in clause (a) of section 2 of the Forward Contract (Regulation) Act, 1952 or any organization, institute, company or association or any person liable to pay duty under any Article of Schedule I, to submit a statement or return or to furnish any information in respect of any transaction within such period as may be prescribed by rules.

(2) Where any trading member, organization, institute, company, association or any person fails to submit a statement or return or information as required under sub-section (1) within the prescribed time, the Collector may, without prejudice to any other action which is liable to be taken against such person under any other provisions of this Act, after giving an opportunity of being heard, impose on such person a penalty of a sum not exceeding rupees five thousand for such default.”.

8. In the principal Act, in section 53, in sub-section (1), -

- (1) the words, figures and bracket, "except sub-section (3) of section 32A" shall be deleted;
- (2) the second proviso thereto shall be deleted.

9. In the principal Act, in Schedule I,-

- (1) in Article 39, after clause (g), following Explanation shall be inserted, namely :-

“Explanation.- The record of transaction (electronic or otherwise) effected by the firm for itself or by a proprietor for himself, who is a trading member through stock exchange or an association as defined in clause (a) of section 2, of the Forward Contract (Regulation) Act, 1952, shall deemed to be a note or memorandum for the purpose of this Article.”;

- (2) after Article 48, the following Article shall be inserted, namely :-

“48A. RECORD OF TRANSACTION (electronic or otherwise) effected by a trading member through a stock exchange or the association,-

74 of 1952.

Insertion of new section 46A in Bom. LX of 1958.

Furnishing of statement, return and information.

Amendment of section 53 of Bom. LX of 1958.

Amendment of Schedule I to Bom. LX of 1958.

- | | | |
|-----|--|---|
| (a) | if relating to sale and purchase of Government securities | One hundred rupees |
| (b) | if relating to purchase or sale of securities, other than those falling under item (a) above,- | |
| | (i) in case of delivery. | one rupee for every ten thousand rupees or part thereof. |
| | (ii) in case of non-delivery | twenty paise for every ten thousand rupees or part thereof. |
| (c) | if relating to futures and options trading | twenty paise for every ten thousand rupees or part thereof. |
| (d) | if relating to forward contracts of commodities described in clauses (a) to (d) of Article 39, traded through an association or otherwise. | one rupee for every one lakh rupees or part thereof. |

Explanation I.- No duty shall be chargeable under this article on agreement or its record or note or memorandum, if proper duty is paid under article 5 or 39, as the case may be.

Explanation II.- For the purpose of clause (b), securities shall have the same meaning as defined under the Securities Contract (Regulation) Act, 1956.”.

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The Gujarat Government Gazette

EXTRAORDINARY PUBLISHED BY AUTHORITY

Vol. XLVIII]

WEDNESDAY, APRIL 4, 2007/CAITRA 14, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - IV

**Acts of the Gujarat Legislature and Ordinance promulgated
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd April, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2007.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette", on the 4th April, 2007).

AN ACT

to provide for emergency medical services in the State and for that purpose to establish Gujarat Emergency Medical Services Authority and City and District Emergency Medical Services Councils in the State and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-eighth Year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Emergency Medical Services Act, 2007. Short title,
extent and
commencement
- (2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,-

(1) "Advanced Life Support" means special services designed to provide definitive pre-hospital emergency medical care including but not limited to cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorised personnel under the direct supervision of a base hospital as part of a local emergency medical services system at the scene of an emergency, during transport to an acute care hospital, during inter facility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital;

(2) "Authority" means the Gujarat Emergency Medical Services Authority established under section 4;

(3) "base hospital" means a hospital to which a City Council or, as the case may be, a District Council has, by a contract entered into with its management, entrusted the work of providing or directing the life support system or limited life support system and pre hospital care system;

(4) "basic life support" means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until life support is available;

(5) "bye-laws" means the bye-laws made under this Act by a City Council or, as the case may be, a District Council;

(6) "city" means a city as defined in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949; Bom. LIX of
1949.

(7) "City Council" means a City Emergency Medical Services Council established for a city under section 20;

(8) "Commissioner of Health" means the Commissioner of Health of the State of Gujarat;

(9) "Director" means the Director of Emergency Medical Services Authority appointed under sub-section (1) of section 3;

(10) "District" means a district constituted from time to time under the Bombay Land Revenue Code, 1879 and in the case where a district as so constituted includes a City, excluding that City; Bom. V of
1879.

(11) "District Council" means a District Emergency Medical Services Council established for a district under section 20;

(12) "Emergency Medical Services" means the services provided to meet with a medical emergency;

(13) "Emergency Medical Technician" means an individual who is trained in all aspects of basic life support according to standards prescribed by the Authority and who holds a valid certificate issued by the Authority;

<sup>102 of
1956.</sup> (14) "Medical Council" means the Medical Council of India constituted under the Medical Council Act, 1956;

<sup>102 of
1956.</sup> (15) "Medical Council Act" means the Medical Council Act, 1956;

(16) "medical emergency" means a situation—

(a) where an individual needs such immediate medical attention and the absence of which would place his health in serious jeopardy, or

(b) where the potential for such need is perceived by emergency staff;

(17) "member" means a member of the Authority and includes the Chairperson of the Authority;

(18) "regulations" means regulations made under this Act;

(19) "rules" means rules made under this Act;

<sup>Guj. 10 of
1968.</sup> (20) "State Medical Register" means the register maintained under the Gujarat Medical Council Act, 1967.

CHAPTER II

DIRECTOR OF EMERGENCY MEDICAL SERVICES

3. (1) (a) The State Government may, by notification in the *Official Gazette*, appoint an officer to be the Director of Emergency Medical Services Authority who shall, subject to the control of the Authority, exercise such powers and perform such functions and duties as are conferred to or imposed on him by or under this Act.

Director of
Emergency
Medical
Services.

(b) No person shall be appointed as a Director under sub-section (1) unless he is a physician or surgeon enrolled on the State Medical Register and who possesses the medical qualification of Doctor of Medicine (General Medicine) or, as the case may be, Master of Surgery (General Surgery or Orthopedic Surgery) granted by Universities or Medical Institutions in India specified in the First Schedule to the Medical Council Act and possesses experience in the practice of trauma or emergency medicine for a period of not less than five years:

Provided that while appointing a person as a Director under clause (a) preference shall be given to a person who possesses additional experience in the administration of services relating to public health.

(2) (a) The Director shall be appointed from amongst three persons recommended by the Commissioner of Health, Medical Services and Medical Education.

(b) The terms and conditions of appointment of the Director shall be such as may be prescribed by rules..

(3) To assist the Director in exercising his powers and performing his functions and duties under this Act, the State Government may appoint such officers and persons and give them such designations as it thinks fit.

(4) Subject to the provisions of this Act and the rules and regulations made thereunder, the Director—

- (a) shall be entitled to—
 - (i) attend the meetings of the Authority;
 - (ii) call for any information, written statement, account or report from base hospitals;
- (b) shall supervise and control the emergency medical services;
- (c) shall lay down standards for and approve a Paramedic and Emergency Medical Technicians Training Programme conducted by such institution in the State as is authorised by the Authority;
- (d) shall prescribe standards for refresher training to be given to persons trained in Paramedic and Emergency Medical Technician Programme;
- (e) shall participate in the meetings of the committees on emergency medical services;
- (f) shall appoint committees of such experts as he thinks fit for assistance in the implementation of the emergency medical services;
- (g) shall appoint such person as a Regional Disaster Medical and Health Co-ordinator for such area of the State as deemed fit.

CHAPTER III

ESTABLISHMENT AND CONSTITUTION OF GUJARAT EMERGENCY MEDICAL SERVICES AUTHORITY

Establishment and incorporation of Authority.

4. (1) For the purpose of providing emergency medical services in the State, the State Government shall, by notification in the *Official Gazette*, establish an Authority by the name of the Gujarat Emergency Medical Services Authority with effect from such date as may be specified in the notification.
- (2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

Headquarters of Authority.

5. The headquarters of the Authority shall be at Ahmedabad or at such other place as the State Government may, by notification in the *Official Gazette*, specify.

Constitution of Authority.

6. (1) The Authority shall consist of a Chairperson and seventeen other members as follows, namely :-
 - (a) the Secretary to the Government of Gujarat, Health and Family Welfare Department, *ex-officio Chairperson*;
 - (b) the Secretary to the Government of Gujarat, Legal Department, *ex-officio*;
 - (c) the Secretary to the Government of Gujarat, Home Department, *ex-officio*;
 - (d) the Commissioner of Health, Medical Services and Medical Education, *ex-officio*;
 - (e) a person who is a physician or surgeon enrolled on the State Medical Register and who possesses the medical qualification of

102 of 1956.

Doctor of Medicine or, as the case may be, Master of Surgery granted by Universities or Medical Institutions in India specified in the First Schedule to the Medical Council Act, 1956 and possesses experience in the practice of trauma or emergency medicine for a period of not less than five years, to be appointed by the State Government,

- (f) the President of the Gujarat Branch of Indian Medical Association, *ex-officio*,
- (g) the President of the Gujarat Orthopedic Association, *ex-officio*,
- (h) the Director, *ex-officio*, Member Secretary,
- (i) the President of the Gujarat Nursing Council, *ex-officio*,
- (j) a person, representing the Academy of Traumatology (India) who has experience in trauma life support, to be nominated by the Academy,
- (k) the President of the Gujarat Ambulances Association, *ex-officio*,
- (l) a person from amongst professors in the medical colleges attached to hospitals in the State who have experience in the management of emergency medical services for a period of not less than five years to be nominated by the State Government,
- (m) the President of the Gujarat Branch of Association of Surgeons of India, *ex-officio*,
- (n) a person who being enrolled on the State Medical Register is an administrator of a hospital (not being a Government hospital) having not less than one hundred beds for a period of not less than five years, to be appointed by the State Government,
- (o) a person to be nominated by the State Government from amongst members of City Councils,
- (p) a person, to be nominated by the State Government from amongst members of District Councils,
- (q) a person to be nominated by the State Government from amongst the Chief Officers of the Fire Brigades maintained by the Municipal Corporations in the State,
- (r) the Chief Executive Officer of the Gujarat State Disaster Management Authority established under the Gujarat State Disaster Management Act, 2003, *ex-officio*,

(2) On the constitution of the Authority, there shall be called the first meeting thereof for election of its Chairperson on such day as the Director may specify.

7. (1) The term of office of a member shall be three years from the date of his appointment or nomination:

Provided that the term of office of a member nominated under clause (l), (n), (o), (p) or (q) of sub-section (1) of section 6 shall come to an end as soon as he ceases to be a professor, administrator, member or, as the case may be, the Chief Officer.

Term of
office and
conditions
of service of
members.

(2) The term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(3) A member shall not be entitled to receive any compensation for his services but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

**Filling up of
vacancy.**

8. On occurrence of any vacancy in the office of the member due to death, resignation or any other reason, the same shall be filled in by the State Government by nominating a person in the manner provided in sub-section (1) of section 6.

Disqualifications.

9. A person shall be disqualified for being appointed or being a member of the Authority if such person—

- (a) is, or at any time being adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;
- (b) is of unsound mind and stands so declared by the competent court;
- (c) is or has been convicted of any offence which, in the opinion of the State Government, involves moral turpitude; or
- (d) has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning as a member.

**Removal and
resignation of
member.**

10. (1) Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office if, in its opinion, such a member—

- (a) is, or has become subject to any of the disqualifications mentioned in section 9;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging his duties as a member;
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office unless an opportunity of being heard is given to the member.

(2) Any member may, by writing under his hand addressed to the State Government, resign his office.

**Meetings of
Authority.**

11. (1) The Authority shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure with regard to transaction of its business at the meetings as may be provided by Regulations.

(2) If the Chairperson, for any reason, is unable to attend any meeting, any other member authorised by the Chairperson present at the meeting, shall preside over the meeting of the Authority.

(3) (a) All the questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes the chairperson or in his absence, the person presiding, shall have and exercise a second or casting vote.

(b) The quorum at the meetings of the Authority shall not be less than five members.

12. (1) The Authority, in order to enable it to perform its functions, may—

(a) with the approval of the State Government—

Officers and
employees of
Authority.

(i) appoint a Secretary and

(ii) determine such number and category of other officers and employees, and

(b) appoint other officers and employees so determined.

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such, as may be determined by the Authority by Regulations.

13. (1) No act or proceeding of the Authority shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Authority.

Acts and
proceedings
presumed to
be valid.

(2) No act done by any person acting in good faith as a member, shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

CHAPTER IV

FUNCTIONS OF AUTHORITY

14. Subject to the provisions of this Act, the Authority shall perform the following functions, namely:-

Functions of
Authority.

- (a) (i) to ensure provision of emergency medical services in the State;
- (ii) to ensure provision of such services free of cost to the patients who are determined by the State Government to be Below Poverty Line;
- (b) to assess the provision of emergency medical services in an area of the State for the purpose of determining the need for additional emergency medical services;
- (c) to prepare plans for providing emergency medical services in the State in respect of such matters, as may be prescribed by Regulations and lay down guidelines for their implementation;
- (d) to provide technical assistance to City and District Councils, non-Government organisations, such other agencies providing emergency medical services;
- (e) to obtain plans from City and District Councils, non-Government organisations providing emergency medical services and such other agencies for implementation of emergency medical services;
- (f) to provide financial assistance to City and District Councils and other emergency medical services agencies for the purpose of planning, organising, implementing and maintaining emergency medical services;
- (g) to accredit trauma centres according to criteria prescribed by Regulations;

- (h) to lay down minimum standards for the training of the emergency medical technicians;
- (i) to issue certificates to emergency medical services technicians;
- (j) to ensure that all training programmes for emergency medical services technicians are located in an approved hospital or educational institution;
- (k) to approve standards and guidelines laid down by the Director for the implementation of emergency medical services and, if necessary, to review the same;
- (l) to advise the Director on the planning of an emergency medical services data collection system;
- (m) to advise the Director in respect of the communications, medical equipments, training personnel facilities and other components of an emergency medical services system;
- (n) to recommend to the Director, City and District Councils and other emergency medical services agencies further planning of the emergency medical services in the State; and
- (o) to perform such other functions as are entrusted to it by rules.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND REPORTS OF AUTHORITY

Fund of Authority.

15. (1) (a) A token provision of Rs.15 lakh is made in the non plan budget of medical services in the year 2005-06.

(b) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.

(2) The Authority may accept grants, subventions, donations and gifts from the Central or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.

(3) The Authority may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Authority.

(4) All moneys belonging to the fund of the Authority shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Authority.

5 of 1970.

40 of 1980.

2 of 1882.

Borrowing of money.

16. The Authority may, with the previous approval of the State Government, borrow money from the open market or otherwise, for the purpose of carrying out its functions under this Act.

Budget.

17. (1) (a) The Authority shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year, showing the estimated receipts and expenditure, and the sums which would be required from the State Government during that financial year.

(b) If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.

(2) No sum shall be expended by or on behalf of the Authority unless the expenditure is covered by provision in the budget approved by the State Government.

18. (1) The accounts of the Authority shall be prepared and maintained in such form and in such manner as may be prescribed by rules.

Accounts and Audit.

(2) The Authority shall cause to be prepared for such financial year an annual statement of accounts in such form as may be prescribed by rules.

1 of 1956. (3) The accounts of the Authority shall be audited by an Auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(4) The Auditor shall be appointed by the Authority.

(5) Every Auditor appointed to audit the accounts of the Authority under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Authority and to require such information from the Authority as he may think necessary for performance of his duty as an auditor.

(6) The Auditor shall send a copy of his report together with a copy of audited accounts to the Authority which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (6), cause the same to be laid before the State Legislature.

19. (1) The Authority shall, during each financial year prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the State Government.

Annual report.

(2) The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

CHAPTER VI

ESTABLISHMENT AND CONSTITUTION OF

CITY AND DISTRICT EMERGENCY MEDICAL SERVICES COUNCILS

20. (1) For the purpose of providing emergency medical services in every City and in every District, the State Government shall, by notification in the *Official Gazette*, establish a City Emergency Medical Services Council for every City by the name of such City and a District Emergency Medical Services Council for every District by the name of such District with effect from such date as may be specified in the notification and different dates may be specified for different City and District Emergency Medical Services Councils.

Establishment and incorporation of City and District Emergency Medical Services Councils.

(2) Every City Council and every District Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and

dispose of property, both movable and immovable, and to enter into contract and do all things necessary for the purposes of this Act.

**Headquarters
of City and
District
Councils.**

21. The headquarters of the City Council shall be in the City for which it is established and the headquarters of the District Council shall be at such place in the District for which it is established as the District Council may, by order in writing direct.

**Constitution
of City
Council**

22. The City Council shall consist of a Chairperson and seven other members as follows, namely:-

- (a) the Municipal Commissioner of the Municipal Corporation of the City, *ex-officio* who shall be the Chairperson,
- (b) the President of the branch of the Indian Medical Association in the City, *ex-officio*,
- (c) the Chief Health Officer in the City, *ex-officio*, Member-Secretary,
- (d) the Commissioner of the Police of the City, *ex-officio*,
- (e) the Chief Officer of the Fire Brigade maintained by the Municipal Corporation of the City, *ex-officio*,
- (f) the President of District Blood Transfusion Council, *ex-officio*,
- (g) a person representing hospitals in the City registered with the City Council, to be nominated by the Authority in consultation with the Council, and
- (h) a person representing the non-Government organisations which are associated with the work of providing emergency medical services in the City to be nominated by the Authority in consultation with the City Council.

**Constitution
of District
Council**

23. The District Council shall consist of a Chairperson and eight other members, as follows, namely:--

- (a) the Collector of the district, *ex-officio*, who shall be the Chairperson,
- (b) the President of the branch of the Indian Medical Association of the district, *ex-officio*,
- (c) the Chief District Medical Officer of the district, *ex-officio*,
- (d) the Chief District Health Officer of the District, *ex-officio*,
- (e) the Superintendent of Police of the district, *ex-officio*,
- (f) the Chief Officer of the Fire Brigade maintained by the State Government in the district,
- (g) the President of the District Blood Transfusion Council, *ex-officio*,
- (h) a person representing hospitals in the district registered with the District Council, to be nominated by the Authority in consultation with the Council, and
- (i) a person representing the non-Government organisations which are associated with the work of providing emergency medical service in the district, to be nominated by the Authority in consultation with the District Council.

CHAPTER VII

PROVISIONS RELATING TO MEMBERS OF COUNCILS

24.

In this Chapter, unless the context otherwise requires—

Definitions.

- (a) "Council" means the City Council or, as the case may be, the District Council,
- (b) "member" means a member of the Council.

25. (1) The term of office of a member shall be three years from the date of his nomination.

Term of office
and conditions
of service of
members.

(2) The term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(3) A member shall not be entitled to receive any compensation for his services but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

26. On occurrence of any vacancy in the office of a member by reason of death, resignation or any other reason, the same shall be filled in by the authority nominating him in the manner provided in section 22 or, as the case may be, section 23.

Filling up of
vacancy.

27. A person shall be disqualified for being appointed or being a member of the Council, if such person—

Disquali-
fica-tions.

- (a) is, or at any time being adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors,
- (b) is of unsound mind and stands so declared by a competent court,
- (c) is, or has been convicted of any offence which, in the opinion of the Authority, involves moral turpitude, or
- (d) has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning as a member.

28. (1) Notwithstanding anything contained in sub-section (1) of section 25, the Authority may, at any time, remove any member from office if, in its opinion, such a member—

Removal and
resignation
of member.

- (a) is, or has become subject to any of the disqualifications mentioned in section 27;
- (b) has been guilty of misconduct in discharge of his duties;
- (c) has become physically or mentally incapable of discharging his duties as a member;
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office unless an opportunity of being heard is given to the member.

(2) Any member may, by writing under his hand addressed to the Authority, resign his office.

Meetings of
Council

29. (1) The Council shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure in regard to transaction of its business at the meetings, as may be provided by the bye-laws.

(2) If the Chairperson is, for any reason, unable to attend any meeting, any other member authorised by the Chairperson present at the meeting, shall preside over the meeting of the Council.

(3) (a) All the questions at a meeting of the Council shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes, the Chairperson or in his absence, the presiding member shall have and exercise the second or casting vote.

(b) The quorum at the meetings of the Council shall not be less than three members.

Officers and
employees of
Council

30. (1) The Council, in order to enable it to perform its functions, may--

(a) with the approval of the Authority --

(i) appoint a Secretary; and

(ii) determine the number and category of other officers and employees, and

(b) appoint other officers and employees so determined.

(2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such as may be determined by the Council by bye-laws.

Acts and
proceedings
presumed to
be valid

31. (1) No act or proceeding of the Council shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council.

(2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

CHAPTER VIII

FUNCTIONS OF CITY AND DISTRICT COUNCILS

Functions of
Councils

32. Subject to the provisions of this Act, a City Council and a District Council shall perform the following functions, namely:-

- (a) to ensure provision of emergency medical services in the City or District;
- (b) to prepare plans for implementation of emergency medical services in the City or, as the case may be, in the District;
- (c) to entrust the work of providing or directing the life support system or limited life support system and pre-hospital care system to a hospital situate, in the City or, as the case may be, in the District;
- (d) to prepare and maintain a register of base hospitals to which the Council has entrusted the work under clause (c);
- (e) to supervise the functioning of base hospitals;

- (f) to establish trauma centres in the City or, as the case may be, in the District;
- (g) to grant certificates of recognition to persons referred to in section 45, non-Government organisations or persons for providing emergency medical services under section 46;
- (h) to grant licences to ambulances to provide advanced life support service or basic life support service under section 49; and
- (i) to perform such other functions as are entrusted to it by regulations.

CHAPTER IX
FINANCE, ACCOUNTS, AUDIT AND REPORTS
OF COUNCILS

33. In this Chapter, unless the context otherwise requires, the word "Council" means the City Council or, as the case may be, the District Council.

Definition.

34. (1) The Council shall have its own fund and all receipts of the Council shall be carried thereto and all payments by the Council shall be made therefrom.

Fund of Council.

(2) The Council may accept grants, subventions, donations and gifts from the Central or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.

(3) The Council may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Council.

(4) All moneys belonging to the fund of the Council shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Council.

5 of 1970.

40 of 1980.

2 of 1882.

35. The Council may, with the previous approval of the State Government, borrow money from the open market or otherwise for the purpose of carrying out its functions under this Act.

Borrowing of money.

36. (1) (a) The Council shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year, showing the estimated receipts and expenditure, and the sums which would be required from the State Government during that financial year.

Budget of Council.

(b) If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.

(2) No sum shall be expended by or on behalf of the Council unless the expenditure is covered by provision in the budget approved by the State Government.

37. (1) The accounts of the Council shall be prepared and maintained in such form and in such manner as may be prescribed by rules.

Accounts and Audit.

- (2) The Council shall cause to be prepared for such financial year an annual statement of accounts in such form as may be prescribed by rules.
- (3) The accounts of the Council shall be audited by an Auditor duly qualified to act ^{i of 1956.} as an Auditor of companies under section 226 of the Companies Act, 1956.
- (4) The Auditor shall be appointed by the Council.
- (5) Every Auditor appointed to audit the accounts of the Council under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Council and to require such information from the Council as he may think necessary for performance of his duty as an auditor.
- (6) The Auditor shall send a copy of his report together with the copy of audited accounts to the Council which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.
- (7) The State Government shall, as soon as may be, after the receipt of the audit report under sub-section (6), cause the same to be laid before the State Legislature.

Annual report

38. (1) The Council shall, during each financial year prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the State Government.
- (2) The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

CHAPTER X

BASE HOSPITALS

Contracts to be entered into by City Councils and District Councils with management of hospitals.

39. A City Council and a District Council shall entrust the work of providing or directing the life support system or limited life support system and pre-hospital care system to a hospital situate, in the city or, as the case may be, in the district, by a contract entered into with the management of the hospital.

Registers of base hospitals.

40. The City Council and the District Council shall prepare and maintain a register of base hospitals to which the Council has entrusted the work of providing or directing the life support system or limited life support system and pre-hospital care system.

Duties of base hospitals.

41. Every base hospital shall--
- (a) establish and maintain medical equipments for providing or directing the life support system or limited life support system and pre-hospital care system;
 - (b) provide separate accommodation to be used for the aforesaid purpose to be known as "the Emergency Department";
 - (c) employ a full or part time physician or surgeon, as a Director of Emergency Department of the hospital, who is enrolled on the State Medical Register and who possesses the medical qualification of Master of Surgery (General Surgery or Orthopedic Surgery) granted by a university or institution specified in the First Schedule to the Medical

Council Act, 1956 and who has substantial experience in the practice of trauma care or emergency medicine;

- (d) employ and maintain staff consisting of medical, para-medical, general medical technicians and such other persons as it may consider necessary and such staff shall perform their duties under the supervision and control of the Director of Emergency Department for the purpose of carrying out its duties under the contract with the City Council or, as the case may be, District Council;
- (e) maintain one or more ambulances of the nature specified in Chapter XI for providing the emergency medical services;
- (f) provide easy access to emergency medical services to persons who are in need of treatment in medical emergency; and
- (g) perform such other duties as may be specified in the bye-laws.

42. The base hospital shall provide emergency medical services to every person irrespective of his religion, race, caste, sex, decent, place of birth, residence or any of them.

Base hospitals
not to
discriminate on
grounds of
religion, race,
caste, sex, etc.

43. The base hospital shall generally carry out its duties subject to supervision and control of the City Council or, as the case may be, the District Council.

Supervision
and control
of Councils
over base
hospitals.

CHAPTER XI

REQUIREMENTS OF AMBULANCES

44. (1) In respect of an ambulance vehicle the holder of a licence granted under section 49 shall be required to satisfy the licensing officer that—

Requirements
to be satisfied
by person
holding
licence.

59 of 1988.

- (a) the vehicle contains equipments relating to visual and audible signals as on emergency vehicle such as flashing or revolving lights;
 - (b) the standards in force at the time the vehicle is manufactured and not inconsistent with the Motor Vehicles Act, 1988, relating to design, floor, general configuration and exterior markings and such other matters as may be prescribed by rules, are maintained;
 - (c) the ambulance vehicle shall carry such equipments and supplies in working order to be readily available for use for providing Basic Life Support and Advanced Life Support;
 - (d) the ambulance vehicle shall carry such medical equipments and supplies as may be prescribed by rules;
 - (e) the ambulance vehicle may carry after life support equipments and drugs in addition to those generally prescribed for use by a Basic Life Support Ambulance Service.
- (2) (a) A Basic Life Support Ambulance when carrying a patient except in the routine carriage of patient who is convalescing or is not on medical emergency, shall be staffed by at least two persons, one of whom shall be an Emergency Medical Technician, Emergency Medical Technician Paramedic or Health Professional and one of whom shall be a person who is qualified as an ambulance attendant.

- (b) An Emergency Medical Technician Paramedic or Health Professional shall accompany the patient in the patient compartment of the ambulance during his carriage.
- (3) An Advanced Life Support Ambulance shall be staffed with two persons both of whom are Health Professionals or one is Health Professional and the other is either an Emergency Medical Technician or an Emergency Medical Technician Paramedic or one is an Emergency Medical Technician and the other is an Emergency Medical Technician Paramedic or both of whom are Emergency Medical Technician Paramedics.
- (4) The staff specified for Advanced Life Support Ambulance shall remain on duty for 24 hours a day for seven days a week.
- (5) (a) Ambulance driver shall be qualified as a driver according to the provisions of Motor Vehicles Act, 1988.
(b) Besides the qualifications provided in the Motor Vehicles Act, 1988, the Ambulance driver shall have successfully completed an Emergency Vehicle Operators' Course of Instructions approved by the City Council or, as the case may be, by the District Council.
- (6) The holder of a licence shall apprise the hospitals in his area of operation as to when the ambulance service shall not be in operation due to inadequate staffing or for any other reason and when his resources are committed in such manner that he would not be able to have an ambulance and required staff to respond to a call to provide emergency assistance.
- (7) A holder of licence may stock such drugs as are approved by the City Council, the District Council or, as the case may be, the base hospital.
- (8) (a) Where an ambulance vehicle manifests an evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patient or crew, the holder of the licence shall immediately withdraw the vehicle from operation.
(b) No ambulance vehicle, which has been withdrawn from operation, shall be operated as an ambulance until the deficiency has been corrected.

CHAPTER XII

REGULATION OF PROVIDING EMERGENCY MEDICAL SERVICE

Prohibition against advertising, proclaiming, etc. of providing emergency medical service without valid certificate of recognition.

Grant of certificate of recognition.

45. No person shall advertise, proclaim, profess or represent that he provides emergency medical service in a City or a District unless such person possesses a valid certificate of recognition issued to him by an officer authorised in this behalf by a City Council or, as the case may be, a District Council (hereinafter referred to as "the authorised officer").
46. (1) (a) A person referred to in section 45 or a Non-Government Organisation or an association of persons may make an application to an authorised officer for grant of certificate of recognition (hereinafter referred to as "the certificate") for providing emergency medical service in a City, or as the case may be, in a District.
(b) A person referred to in section 45 or a Non-Government Organisation or an association of persons providing emergency medical service on the date of

coming into force of this Act (hereinafter referred to as "the said date") shall, within three months from the said date, make an application to the authorised officer for grant of a certificate for providing emergency medical service and—

(i) a person who makes such an application shall be deemed to have been authorised to provide emergency medical service from the said date till the date on which he is either granted or refused a certificate, and

(ii) a person, who does not make such application within the said period of three months, shall be deemed to be providing emergency medical service without a certificate.

(2) Every such application under sub-section (1) shall be made in such form and shall contain such particulars including those regarding the competency of the applicant to provide emergency medical service and accompanied by such fees, as may be prescribed by the regulations.

(3) The authorised officer may grant a certificate to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed by the regulations.

(4) A certificate granted under this section shall be valid for a period of three years from the date on which it is granted and may be renewed from time to time for the said period on such terms and conditions and on payment of such fees, as may be prescribed by the regulations.

(5) Unless it is specifically provided in the terms of a certificate, the grant of a certificate to a person shall not in any way hinder or restrict the power of the authorised officer to grant a certificate to another person in respect of the same area.

47. (1) If the authorised officer is satisfied, either on a reference made to him in this behalf or otherwise that—

(a) a certificate granted under section 46 has been obtained by misrepresentation as to an essential fact, or

(b) the holder of a certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules, regulations or bye-laws made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the authorised officer may, after giving the holder of the certificate an opportunity of showing cause, revoke or suspend the certificate.

(2) Subject to any regulations that may be made in this behalf, the authorised officer may also vary or amend a certificate granted under section 46.

48. No person shall advertise, proclaim, profess or represent that he is engaged in providing Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service in a City or in a District unless he holds a valid licence as an Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service issued by an officer authorised in this behalf by a City Council or, as the case may be, a District Council (hereinafter referred to as "the licensing officer").

Revocation,
suspension
and
amendment
of certificate.

Prohibition
against
providing
ambulance
service
without a
valid licence.

Grant of licence. 49. (1) Any person desiring to engage in providing Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service in a City or in a District may make an application for a licence to a licensing officer in such form containing such particulars including the competency of the applicant to engage in providing such service and accompanied by such fees, as may be prescribed by the regulations.

(2) The licensing officer may, after verification of the accuracy of the particulars specified in the application, inspection of the applicant's vehicle and equipments provided therein and verification of qualifications of the personnel to be employed therein and such other matters as may be prescribed by the regulations, grant a licence to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed by the regulations.

(3) A licence granted under this section shall be valid for a period of three years from the date on which it is granted and may be renewed from time to time for the said period on such terms and conditions and on payment of such fees, as may be prescribed by the regulations.

(4) Unless it is specifically provided in the terms of a licence, the grant of a licence to a person shall not in any way hinder or restrict the power of licensing officer to grant a licence to another person in respect of the same area.

Revocation, suspension and amendment of licences.

50. (1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(a) a licence granted under section 49 has been obtained by misrepresentation as to an essential fact, or

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules, regulations or bye-laws made thereunder.

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(2) Subject to any regulation that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 49.

Prohibition against change of location or area of operation.

51. No holder of a licence granted under section 49 shall change location or area of operation of service in the City or in the District which would not enable him to timely respond to emergency in the emergency area specified in the licence unless on an application made in that behalf to the licensing officer, the licensing officer gives consent to such a change in writing and records such change in the licence.

Prohibition against organising a public event without arranging for emergency medical services.

52. No person shall organise a public event such as a public meeting, public show, cricket match, religious function, at any place in the State where not less than 25,000 people are likely to assemble unless he ensures at his cost the availability of emergency medical services at that place to meet with any eventuality.

Appeals.

53. (1) An appeal shall lie to the Director against the following orders, namely:—

(a) an order refusing to grant a certificate under section 46 or to grant a licence under section 49, and

(b) an order revoking or suspending a certificate under section 47 or a licence under section 50.

(2) No appeal shall be entertained unless it is filed within a period of sixty days from the date of communication of the order.

(3) The Director may admit an appeal after the period of limitation specified in sub-section (2), if the appellant satisfies the Director that he had sufficient cause for not filing an appeal within such period.

^{36 of 1963.} (4) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

^{4 of 2004.} (5) Notwithstanding anything contained in the Gujarat Court-fees Act, 2004, an appeal under this section shall bear a court fee stamp of such value, as may be prescribed by the regulations.

54. (1) No civil court shall have jurisdiction to deal with or decide any question which the Director, the Authority, a City Council or a District Council or any officer of the Authority, a City Council or a District Council is empowered to deal with or decide by or under this Act.

Bar of
jurisdiction
of Civil
Court

(2) No order passed under this Act or any rules, regulations or appeals made thereunder by the Director, the Authority, a City Council or a District Council or any officer of the Authority, a City Council or a District Council shall be called in question in any civil court.

CHAPTER XIII

OFFENCES AND PENALTIES

55. (1) Whoever contravenes the provisions of section 45 or 51, shall be punishable on the first conviction with fine which may extend to twenty-five thousand rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

Offences
and
penalties.

(2) Whoever contravenes the provisions of section 48 or 52 shall be punishable on the first conviction with fine which may extend to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to one lakh rupees or with both.

56. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence is committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director,

manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section—

(a) “company” means a body corporate and includes a company as defined under the Companies Act, 1956, a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

1 of 1956.

Cognisance of offences.

57. (1) No court shall take cognisance of an offence punishable under section 55 except on a complaint in writing made by an officer of the City Council or, as the case may be, the District Council generally or specially authorised in this behalf.

(2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1973, it shall not be necessary, in respect of the offence referred to in sub-section (1), to examine the authorised officer when the complaint is presented in writing.

2 of 1974.

CHAPTER XIV MISCELLANEOUS

Power of State Government to issue directions to Authority.

58. (1) In performance of its functions under this Act, the Authority shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the State Government, whether a question is one of policy or not, shall be final.

Power of Authority to issue directions.

59. (1) In performance of its functions under this Act, the City Council or, as the case may be, the District Council shall be bound by such directions on questions of policy as the Authority may give in writing from time to time:

Provided that the City Council, or as the case may be, the District Council shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Authority, whether a question is one of policy or not, shall be final.

Members, officers and servants of Authority, City Council and District Council to be public servants.

60. Every member, officer and servant of the Authority, the City Council and the District Council shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules or regulations or bye-law made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken under Act.

61. No suit, prosecution or other legal proceeding shall lie against the Authority, the City Council or, as the case may be, the District Council or any member, officer or servant of the Authority, the City Council or, as the case may be, the District Council for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules or regulations or bye-laws made thereunder.

62. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power of
State
Government
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication :

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(4) All rules made under this section shall be laid for not less thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

63. (1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

Power of
Authority to
make
regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

64. (1) The City Council and the District Council may, with the previous approval of the Authority, make bye-laws not inconsistent with this Act, or with rules and regulations made thereunder for enabling it to perform its functions under this Act.

Power of
City Council
and District
Council to
make bye-
laws.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters expressly required or allowed by this Act to be specified by bye-laws.

65. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.

(C)



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The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. XLVIII] WEDNESDAY, APRIL 4, 2007/CAITRA 14, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd April, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 13 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 4th April, 2007).

AN ACT

further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Short title and commencement. Act, 2007.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of Guj. 34
of 1964.

2. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the principal Act"), in section 2, - Guj. 34 of 1964.

(a) clause (1) shall be deleted;

(b) after clause (2), the following clause shall be inserted, namely :-

"(2A) "carpet area" means the floor area of a building excluding the area over which a wall whether outer or inner is erected;";

(c) after clause (3A), the following shall be inserted, namely :-

"(3B) "chawl" means a building consisting of two or more tenements whether having common sanitary and other facilities or not and declared as such by the Director of Municipalities by notification in the *Official Gazette*;".

Amendment of
section 99 of Guj.
34 of 1964.

3. In the principal Act, in section 99, in sub-section (1), in clause (i), for the words "annual letting value or the capital value or percentage of capital value", the words "carpet area" shall be substituted;

Insertion of new
section 99A in
Guj. 34 of 1964.

4. In the principal Act, after section 99, the following section shall be inserted, namely :-

Tax on
buildings
and lands.

"99A. (1) For the purposes of clause (i) of sub-section (1) of section 99, the tax shall, subject to such exceptions, limitations and conditions hereinafter provided, be levied annually on the buildings or lands situate in the municipal borough area at such rate per square metre of the carpet area of buildings and of the area of lands (hereinafter referred to as "the rate of tax") as the municipality may determine having regard to the factors as the State Government may prescribe by rules."

(2) For the purpose of levy of tax on buildings or lands situate within the municipal borough under sub-section (1), -

(a) the buildings may be classified into residential buildings and buildings other than the residential buildings; and

(b) the municipality may determine one rate of tax for residential buildings and the other rate of tax for buildings other than the residential buildings :

Provided that it shall be lawful for the municipality to determine for residential buildings, the carpet area of which does not exceed forty square metres, such rate of tax as is lower than the rate of tax determined for residential buildings generally :

Provided further that the rates of tax per square metre of carpet area shall be decided by municipality with the approval of the Director of Municipalities.

(3) In lieu of the tax leviable under sub-section (1) read with sub-section (2), there shall be levied annually on,-

- (a) residential huts, and
- (b) residential tenements in a *chawl*, each such tenement having carpet area not exceeding twenty-five square metres, such amount of tax as the Municipality may determine :

Provided that the amount so determined shall not be less than such amount as the State Government may, by notification in the *Official Gazette*, specify.

Explanation.- For the purpose of levy of tax under this section, where an addition is made to an existing building whereby the carpet area of that building is increased, such addition shall be treated as a separate building and the length of the time of its existence shall be computed from the year in which the addition is made.".

5. In the principal Act, in section 100,-

Amendment of
section 100 of
Guj. 34 of 1964.

(1) in sub-section (1),

(a) the word, brackets and letter "or (b)" shall be deleted;

(b) for the words, brackets and figures "sub-sections (2) and (3)", the words, bracket and figure "sub-section (3)" shall be substituted.

(2) sub-section (2) shall be deleted;

(3) in sub-section (3), for the words, brackets and figure "a rateable value of the same amount as that fixed under sub-section (2)", the words "on the basis of carpet area of the buildings" shall be substituted.

6. In the principal Act, in section 101, in clause (a), in item (iii), for the word "valuation on which such tax is to be imposed", the word "manner of assessment of such tax to be imposed" shall be substituted.

Amendment of
section 101 of
Guj. 34 of 1964.

7. In the principal Act, in section 105,-

Amendment of
section 105 of
Guj. 34 of 1964.

(1) in sub-section (1), for clause (d), the following clause shall be substituted, namely :-

"(d) the assessment based on the carpet area and of the area of land of the property made in accordance with sub-section (1) of section 99A.";

- (2) in sub-section (2) for the words beginning with the words "where the valuation" and ending with the words "the said valuation", the words, brackets, letter and figure, "where the assessment is determined under clause (d) of sub-section (1), a sum equal to ten percentum of the said assessment" shall be substituted;
- (3) in sub-section (3), for the words "the annual letting value and his estimate of the value of such building of land", the words "the carpet area of such building and of the area of land" shall be substituted.

**Amendment of
section 108 of
Guj. 34 of 1964.**

- 8. In the principal Act, in section 108, -
- (1) in sub-section (1), -
 - (i) the words "valuation or" shall be deleted;
 - (ii) for the word "valuation". the word "carpet area" shall be substituted;
- (2) in sub-section (2),-
 - (i) the words "valuation and" shall be deleted;
 - (ii) the words "valuation or" shall be deleted;
- (3) in sub-section (4), the words "valuation and" shall be deleted;
- (4) in sub-section (6), in item (i), for the words "of the valuation, or annual letting value on the basis prescribed in the rules", the words "of the assessment under clause (d) of sub-section (1) of section 105" shall be substituted.

**Amendment of
section 111 of
Guj. 34 of 1964.**

- 9. In the principal Act, in section 111, in sub-section (1), the words "valuation and" shall be deleted.

**Amendment of
section 112 of
Guj. 34 of 1964.**

- 10. In the principal Act, in section 112, in sub-section (1), the words "valuation and" shall be deleted.

**Amendment of
section 113 of
Guj. 34 of 1964.**

- 11. In the principal Act, in section 113, -
 - (1) in sub-section (1), the brackets, figure and word "(4) and" shall be deleted;
 - (2) sub-sections (3), (4) and (5) shall be deleted.

**Deletion of
section 114 of
Guj. 34 of 1964.**

- 12. In the principal Act, section 114, shall be deleted.

**Amendment of
section 271 of
Guj. 34 of 1964.**

- 13. In the principal Act, in section 271, in clause (l), the words beginning with "the conditions" and ending with "of such taxes;" shall be deleted.

(C)



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII] WEDNESDAY, APRIL 4, 2007/CAITRA 14, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd April, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

GUJARAT ACT NO. 14 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 4th April, 2007).

AN ACT

to provide for establishment of the "Pandit Deendayal-Petroleum University" in the State and to confer the status of a University and for matters connected therewith and incidental thereto.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Pandit Deendayal Petroleum University Act, 2007. Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Definitions.**
2. In this Act, unless the context otherwise requires,-
 - (i) "Academic Council" means the Academic Council of the University constituted under section 15;
 - (ii) "Board" means the Board of Governors of the University constituted under section 11;
 - (iii) "Chairman" means the Chairman of the Board;
 - (iv) "Deans" means the Deans of the University appointed under section 23;
 - (v) "Directors" means the Directors of the Institutes or the Centres of the University appointed under section 22;
 - (vi) "Director General" means the Director General of the University appointed under section 19;
 - (vii) "Finance Committee" means the Finance Committee of the University constituted under section 17;
 - (viii) "President" means the President of the University appointed under section 8;
 - (ix) "prescribed" means prescribed by regulations;
 - (x) "Registrar" means the Registrar of the University appointed under section 21;
 - (xi) "Regulations" means the regulations of the University made under section 36;
 - (xii) "Society" means the Gujarat Energy Research Management Institute registered under the Societies Registration Act, 1860 and the Bombay Public Trust Act, 1950; XXI of 1860.
Bom. 29 of 1950.
 - (xiii) "University" means the Pandit Deendayal Petroleum University established and incorporated under section 3;

Establishment and incorporation of University.

3. (1) There shall be established a University by the name of The Pandit Deendayal Petroleum University.

(2) The President, the Board, the Academic Council, the Director General, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, hereby constitute a body corporate by the name of the Pandit Deendayal Petroleum University.

(3) The University shall function as a non-affiliating University and it shall not affiliate any other college or institute for the conferment of degree, diploma and grant of certificate to the students admitted therein.

(4) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

Headquarters of University.

4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.

5. The objects of the University shall be as follows, namely:-
- (a) to develop the knowledge of science, technology, management and environment for the advancement of quality of life of the mankind in general and in relation to the domains of gas, oil and energy in particular;
 - (b) to create centres and institutions of excellence for imparting state-of-the-art education, training and research in the fields of science, technology and management in general and in relation to the domains of gas, oil and energy in particular;
 - (c) to create capabilities for development of knowledge, skills and competencies at various levels;
 - (d) to create capabilities for upgrading the infrastructure of global standard for education, training and research in the areas related to gas, oil and energy;
 - (e) to develop patterns of teaching and training at various levels of educational accomplishment so as to set a high standard of education in science, technology and management in relation to the domains of gas, oil and energy;
 - (f) to function as a leading resource center for knowledge management and entrepreneurship development in the areas of science, technology and management in relation to the domains of gas, oil and energy;
 - (g) to provide inter-relationship for national and global participation in the fields of science, technology and management in relation to the domains of gas, oil, energy and allied fields; and
 - (h) to establish close linkages with industries to make teaching, training and research at the University relevant to the needs of the society, at national and global levels.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

Powers and Functions of University.

- (i) to administer and manage the University and to establish such Institutes and Centers for research, education and instruction as are necessary for the furtherance of the objects of the University;

- (ii) to provide for instruction, training and research in such branches of management in relation to the domains of gas, oil, energy and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the field of science, technology and management in order to achieve international standards of such education, training and research;
- (iv) to prescribe curricula and provide for flexibility in the education systems and delivery methodology including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas or grant certificates any such degrees, diplomas, certificates, or other academic distinctions and other academic distinctions as the University may determine, and to withdraw or cancel maner;
- (vi) to confer honorary degrees or other distinctions in the prescribed manner;
- (vii) to establish such special centres, specialised study centres or other units for research and instruction as in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide printing, reproduction and publication of research and other works and to organise exhibitions, workshops, seminars, conference, etc.;
- (ix) to sponsor and undertake research in all aspects of science, technology, allied areas;
- (x) to offer executive developmental programmes;
- (xi) to collaborate or associate with, advise, administer, control, develop and maintain any educational institution with like or similar objects;
- (xii) to develop and maintain linkages with educational institutions in any part of the world having objects wholly or partly similar to those objects;
- (xiii) to develop and maintain relationships with teachers, researchers and experts in the domains of gas, oil, energy and allied areas in any part of the world for achieving the objects of the University;
- (xiv) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (xv) to receive grants, subventions, subscriptions, donations and gifts for Commission or other authorities or bodies for receiving any grants;

- (xvi) to receive funds from the Industries, national and international organisations or any other sources as gifts, donations, benefactions or bequests by transfer of movable and immovable properties for the purposes and objects of the University;
- (xvii) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;
- (xviii) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xix) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xx) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xxi) to purchase or to take on lease or accept as gift or otherwise, any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;
- (xxii) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University under intimation to the State Government;
- (xxiii) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxiv) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, to repay and redeem any money borrowed under intimation to the State Government;
- (xxv) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxvi) to execute conveyance regarding transfers, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University under intimation to the State Government;
- (xxvii) to admit the students for the courses offered by the University in the prescribed manner;
- (xxviii) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

- (xxix) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxx) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxxi) to appoint persons as Professors, Associate Professors, Adjunct Professors, Assistant Professors, Readers, Lecturers, Registrar or otherwise as teachers and researchers of the University;
- (xxxii) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control; and
- (xxxiii) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

President.

8. (1) The President of the University shall be appointed by the Society.
- (2) The person to be appointed as President shall,-
 - (i) be an eminent educationalist, technologist, industrialist or administrator having vision for human resources development,
 - (ii) be associated with Gujarat in terms of development, education, philanthropy, industrial or business development or exemplary administration in the State services ,corporations or public bodies, and
 - (iii) not have attained the age of sixty-five years on the date of nomination or re-nomination.
- (3) The President shall hold office for a period of three years and shall be eligible for re-nomination for one more term only.
- (4) The other terms and conditions shall be such as may be determined by the Society.
- (5) Where a vacancy in the office of the President occurs on account of death, resignation or otherwise, the Society shall appoint immediately suitable person to be the President in accordance with the provision of sub-section (2).
- (6) The President may resign from his office by writing under his hand addressed to the Chairman of the Society and such a resignation shall take effect from the date of acceptance by the Chairman.
- (7) The President shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

9. The following shall be the authorities of the University, namely: - Authorities of University.
- (i) the Board;
 - (ii) the Academic Council;
 - (iii) the Finance Committee; and
 - (iv) such other authorities as may be declared by regulations to be the authorities of the University.
10. The following shall be the officers of the University, namely: - Officers of University.
- (i) the President,
 - (ii) the Director General,
 - (iii) the Directors,
 - (iv) the Deans,
 - (v) the Registrar, and
 - (vi) such other persons as may be declared by regulations to be the officers of the University.
11. (1) The Board of Governors of the University shall consist of the Board of Governors. following members, namely:
- (i) the President, who shall be the Chairman of the Board;
 - (ii) the Director General;
 - (iii) one Director by rotation to be nominated by the Board;
 - (iv) the Dean by rotation to be nominated by the Board;
 - (v) the Secretary to Government, Energy and Petrochemicals Department, Government of Gujarat, *ex-officio*;
 - (vi) the Secretary to Government, In-charge of Technical Education, Government of Gujarat, *ex-officio*;
 - (vii) two expert academicians to be nominated by the Board;
 - (viii) one of the members of the Society to be nominated by the Society;
 - (ix) two experts representing other disciplines such as finance, legal, management, humanities to be nominated by the Board; and
 - (x) three professionals of the oil, gas, energy and allied industries to be nominated by the Board.
- (2) The Registrar shall be the Secretary of the Board.
12. (1) The Chairman shall preside over the meetings of the Board and the convocation of the University. Powers of Chairman of Board.
- (2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations.

Powers and
functions of
Board.

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee and other committees or authorities constituted by the University.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely: -

- (i) to take decision on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve the annual report and the annual budget of the University for every financial year;
- (v) to invest monies and funds of the University and to take decision on the recommendation of the Finance Committee;
- (vi) to publish or finance the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sell or arrange for the sale as it may deem fit;
- (vii) to lay down policies to be pursued by the University;
- (viii) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University;
- (ix) to create or abolish posts of teachers and officers and employees of the University;
- (x) to appoint such committees as it considers necessary for the exercise of its powers and performance of its duties under this Act;
- (xi) to appoint Directors;
- (xii) to delegate any of its powers to the Director General, Directors, Deans, Registrar or any other officers, employee or authority of the University or to a committee appointed by it; and
- (xiii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers for achieving the objects of the University..

Terms of
office and
vacancies
among
members of
Board.

14. (1) Save as otherwise provided in this section, the term of a nominated member of the Board shall be three years from the date of his nomination.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is the member of the Board.

(3) Any vacancy in the Board occurring before the next reconstruction or before the expiry of the prescribed period shall be filled in the same manner as provided in section 11 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(4) A member shall be eligible for re-nomination for the next term.

(5) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

15. (1) The Academic Council of the University shall consist of the following members, namely: - Academic Council.

(i) the Director General, who shall be the Chairman of the Academic Council;

(ii) two academicians or professionals to be nominated by the Board;

(iii) two academicians or professionals in the fields of science, technology or management in relation to the domains of gas, oil or energy to be nominated by the Board;

(iv) two Deans , by rotation to be nominated by the Director General;

(v) two Directors, by rotation to be nominated by the Director General;

(vi) one professor from each discipline of the University, by rotation to be nominated by the Director General.

(2) The Registrar shall be the Secretary of the Council.

(3) The term of office of the members other than the *ex-officio* members, shall be three years.

16. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers, namely: -

(i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;

(ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;

(iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and

(iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

17. (1) The Finance Committee shall consist of the following members, namely: - Finance Committee.

(i) the Director General, who shall be the Chairman of the Committee;

(ii) one member of the Board to be nominated by the President;

(iii) one Director , by rotation to be nominated by the Director General;

(iv) one expert in the field of finance to be nominated by the Board;

(v) One of the members of the Society to be nominated by the Society;

Powers and
functions of
Academic
Council.

- (4) Whenever any vacancy occurs in the office of the Director General with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to be the Director and it can not be conveniently and expeditiously filled up in accordance with the term of office of the Director General shall be determined by the Board for a period not exceeding five years.
- (3) The term of office of the Director General shall be determined by the Committee to be the Chairman of the Committee.
- (b) The Board shall designate one of the members of the Search Committee to be the Search Committee one of the members of the Search Committee to be the Chairman of the Committee.
- (iii) one of the members of the Board.
- (ii) an eminent educationist; and
- (i) an eminent technologist;
- (2) (a) The Search Committee shall consist of the following members, to be nominated by the Board, namely:-

19. (1) The Director General shall be appointed by the Board out of the panel of three names recommended by the Search Committee.
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.
- (vii) to examine all proposals relating to the revision of pay scales, upgradation of the scales and those items which are not included in the budget prior to placing before the Board; and
- (vi) to make recommendations to the Board on all proposals involving which expenditure in excess of the amount provided in the budget needs expenditure for which no provision has been made in the budget or for which the University, to review from time to time the financial position of the University, to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditures;
- (v) to provide guidelines for investment of surplus funds;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditures;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (ii) to examine the annual account and annual budget estimates of the University and to advise the Board thereon;
- (i) to examine the annual account and annual budget estimates of the Finance Committee.

18. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-
- (3) The term of office of the members other than the ex-officio members shall be three years.
- (2) The Registrar shall be the Secretary of the Committee.

General and may, from time to time, extend the term of such person for a period not exceeding one year.

(5) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the President.

20. (1) The Director General shall be the Chief Executive and Academic Officer of the University. He shall preside over the meetings of the Academic Council and the Finance Committee.

Powers and
duties of
Director
General.

(2) Without prejudice to the generality of the provision contained in sub-section (1), the Director General shall -

- (i) exercise general supervision and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the President.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Director General may take such action as he may deem fit and shall forthwith report the action so taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effect or, as the case may be, shall take effect in such modified form. However, such modification or annulment shall be without prejudice to the validity of any thing previously done by or under the Order of the Director General.

(4) Where the exercise of the power by the Director General under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

21. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

Registrar.

- (2) The Registrar shall -
- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
 - (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
 - (iii) be responsible to the Director General for the proper discharge of his functions;
 - (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
 - (v) attest and execute all documents on behalf of the University;
 - (vi) verify and sign the pleadings in all suits and other proceedings by or against the University. All the processes in such suits and proceedings shall be issued to and served on the Registrar; and
 - (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General.

Directors.

22. (1) The Directors of the institutes or centres of the University shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.
- (2) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the institutes or centres and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

Deans.

23. (1) The Director General, with the approval of the Chairman, shall appoint the Deans of the University from amongst the Faculties of the University.
- (2) The Deans shall assist the Director General and respective Directors of the Institutes or Centres in managing the academic and other affairs of the University, Institutes and Centres, and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

Permanent Endowment Fund of University.

24. The Society shall place funds at the disposal of the University to be called the Permanent Endowment Fund of sum of five crores of rupees or such sum required for meeting the full operational expenditure of the University, which ever is more, for a period of three years in the form of long term interest bearing securities issued or guaranteed by the Central or the State Government. On the termination of the involvement of the Society and after meeting with the operational expenditure for a period of three years, out of the Permanent Endowment Fund, if there is any unused balance the same shall be paid back to the Society with the previous permission of the State Government.

25. The Society shall pay to the University from time to time such sums of money and in such manner as may be considered necessary for the exercise of powers and discharge of its functions by the University by or under this Act.

Payment by Society to University.

26. (1) The University shall have its own funds consisting of –

Funds of University.

- (i) the monies provided by the Society;
- (ii) fees and other charges received by the University;
- (iii) the monies received by the University by way of grants, loans, gifts, donations, benefactions, bequests or transfer;
- (iv) the monies received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the monies received by the University from any other source.

(2) All funds of the University shall be deposited in such bank or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The Funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

27. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

Accounts and audit.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountants, to be appointed by the Board.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall

consider such report and may pass resolutions thereon and thereupon the Finance Committee shall take action in accordance with such resolution. The action taken by the Finance Committee on such resolutions and if no action is taken; the reasons for not taking any action shall be communicated to the Board.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

**Pension,
Provident
Fund, etc.**

28. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and employees of the University.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a ~~19 of 1925.~~ Government Provident Fund.

**Acts and
proceeding
not to be
invalidated
by
vacancies.**

29. No act or proceeding of the Board or any authority of the University or any Committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or Committee of the University.

**Conferment
of degrees,
diplomas
and grant of
certificates
by
University.**

30. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer honorary degrees and other academic distinctions and titles as approved by the Board.

**Returns and
information.**

31. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

**Management
of University
on dissolution
of the Society.**

32. The Society shall give a notice of not less than six months period to the State Government of its intention to dissolve the Society. Upon receipt of any such notice from the Society, the State Government shall make arrangements for the administration of the University from the date of dissolution of the Society till the last batch of students in regular courses of the University complete their courses. The expenditure for administration of the University during the taking over period of its management by the State Government shall be met out of the Permanent Endowment Fund of the University. If there is no fund or the funds are not sufficient to meet with the expenditure of the University, the State Government may dispose of the properties of the University to meet the expenditure of the University.

33. Every officer, teacher and employee of the University shall be deemed Officers and to be a public servant within the meaning of section 21 of the Indian Penal employees to Code.
45 of 1860. be public servants.

Explanation.- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

34. (1) No officers or employees or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal,
removal,
reduction or
termination of
services of
staff of
University.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the President within ninety days from the date of communication of such order and the decision of the President in such appeal shall be final.

35. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulation and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give
directions.

36. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the powers to make regulations to provide for the administration and management of the affairs of the University.

Power to make
regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

(i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;

(ii) the powers and functions to be exercised and discharged by the President and the Chairman of the Board;

(iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment; and removal of members thereof and other matters connected therewith;

- (iv) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedures and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the diplomas, degrees, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations ;
- (x) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lectures or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
- (xi) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and employees of the University;
- (xiii) the terms and conditions for association of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xvii) the terms and conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers and employees of the University;
- (xix) the powers and duties of the Director General , Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowships, scholarships, stipends , medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board;
- (xxii)the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxiii) all matters which , by this Act, are to be or may be prescribed.

37. Notwithstanding anything contained in this Act, the Director General may, with the prior approval of the President and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations. The Society shall review and monitor such actions taken by the Director General.

Indemnity.

38. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the President, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Power to
remove
difficulties.

39. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR

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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII]

TUESDAY, MAY 1, 2007/VAISAKHA 11, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV**Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.**

The Following Act of the Gujarat Legislature having been assented to by the Governor on the 30th April, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2007

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 1st May, 2007).

AN ACT

further to amend the Gujarat Industrial Development Act, 1962. and to validate the levy and collection of development charges.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Industrial Development (Amendment and Validation) Act, 2007.

Short title.

2. In the Gujarat Industrial Development Act, 1962 (hereinafter referred to as "the principal Act"), in section 14, after clause(c), the following clause shall be and shall be deemed always to have been inserted, namely:-

Amendment
of section 14
of Guj.
XXIII of
1962.

"(cc) to levy and collect development charges on the land which is not vested in or under the control of the Corporation and which is benefited or likely to be benefited by the development or scheme or the work undertaken by the Corporation.".

3. In the principal Act, for Chapter VI-A, the following Chapter shall be and shall be deemed always to have been substituted, namely:-

Substitution
of Chapter
VI-A of
Guj. XXIII
of 1962.

"CHAPTER VI-A.**LEVY OF DEVELOPMENT CHARGES**

Levy of development charges.

32A. Where any land is developed or any scheme or work is undertaken by the Corporation under the provisions of this Act and any other land not vesting in or under the control of the Corporation is benefited or is likely to be benefited by such development, scheme or the work, the Corporation may, by resolution, determine the development charges and levy and collect the development charges on such land in such manner as may be prescribed by regulations.

Appeal.

32B. (1) Any person aggrieved by the order of the Corporation levying the development charges under section 32A, may prefer an appeal to the State Government within such period, accompanied by such fees and in such manner as may be prescribed.

(2) The State Government may, after giving an opportunity of being heard to the appellant and the Corporation, pass such order thereon as it deems fit and proper.

(3) The decision of the State Government on such appeal shall be final.”.

Validation of levy and collection of development charges.

4. (1) Notwithstanding anything contained in the principal Act, any resolution passed by the Corporation determining the rate of development charges and the development charges levied and collected or purported to have been levied or collected on the land, other than the land not vested in or under the control of the Corporation which is benefited or likely to be benefited by the development, scheme or the work undertaken by the Corporation, shall be and shall be deemed always to have been validly passed and validly levied and collected by the Corporation in accordance with law as if the provisions of the principal Act as amended by this Act had been in force at all material times when such resolutions passed or such charges were levied and collected; and accordingly, -

(a) no suit, appeal or other proceedings shall be maintained or continued in any court or before any authority against the Corporation for the refund of aforesaid development charges.

(b) no court or other authority shall enforce any decree or order directing the refund of the said development charges.

(c) any resolution passed by the Corporation determining the development charges and the levy and collection of the said development charges shall have and shall be deemed to have effect for all the purposes and recoveries of such development charges shall be made in accordance with the provisions of the principal Act as amended by this Act.

(d) any amount paid as development charges or development expenses shall be deemed to have been paid as development charges in accordance with the provisions of the principal Act as amended by this Act.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person,-

(a) from questioning, in accordance with the provisions of the principal Act as amended by this Act, the levy and collection of aforesaid development charges, or

(b) from claiming, in accordance with the provisions the principal Act as amended by this Act, the refund of such development charges paid by him in excess of the amount due from him.

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the Governor on the 30th April, 2007 is hereby published for general
information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2007

(First published, after having received the assent of the Governor in the
"Gujarat Government Gazette", on the 1st May, 2007).

AN ACT

further to amend the Gujarat Industrial Development Act, 1962.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as
follows :-

1. (1) This Act may be called the Gujarat Industrial Development
(Second Amendment) Act, 2007.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by
notification in the *Official Gazette*, appoint.

Amendment
of section 16
of Guj. XXIII
of 1962.

2. In the Gujarat Industrial Development Act, 1962 (hereinafter referred to as "the principal Act"), section 16 shall be renumbered as sub-section (1) of that section.

Guj XXIII
of 1962.

(1) in sub-section (1) as so renumbered, in clause (b), after the words "committee thereof", the words and brackets "or a committee consisting of such persons (hereinafter referred to as "the Board of Management") as the State Government may think fit" shall be inserted;

(2) after sub-section (1), the following sub-section shall be added, namely:-

"(2) The Constitution of the Board of Management, the qualifications, terms and conditions and the manner of appointment of the members of the Board of Management and other powers and functions of the Board of Management shall be such as may be prescribed."

Insertion of new
section 16A in
Guj.XXIII of
1962.

3. In the principal Act, after section 16, the following section shall be inserted, namely:-

Director of
Notified
Areas.

"16A. (1) For the purpose of uniformity and providing efficient management in the notified areas, the Corporation shall appoint an officer of the Corporation not below the rank of General Manager to be the Director of Notified Areas.

(2) The powers, functions and duties of the Director of Notified Areas shall be such as may be prescribed.

(3) An officer or the committee of the Corporation or the Board of Management appointed under clause (b) of sub-section (1) of section 16 shall exercise the powers under the superintendence, direction and control of the Director of Notified Areas."

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The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. XLVIII]**TUESDAY, MAY 1, 2007/VAISAKHA 11, 1929****Separate paging is given to this Part in order that it may be filed as a Separate Compilation.**

PART IV

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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2007

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 1st May, 2007).

AN ACT

further to amend the Gujarat Agricultural Produce Markets Act, 1963.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2007.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Agricultural Produce Markets Act, 1963 (hereinafter referred to as "the principal Act"), in section 2,-

Amendment of section 2 of Guj.XX of 1964.

(1) after clause (v), the following clauses shall be inserted; namely:-

Guj. XX
of 1964.

"(v-aa) "contract farming" means farming by a person under a written agreement with agriculturist to the effect that his agricultural produce shall be purchased as specified in the agreement;

(v-aaa) "Contract Farming Agreement" means an agreement made for contract farming between the sponsorer and agriculturist;";

(2) after clause (vi), the following clauses shall be inserted, namely:-

"(vi-a) "e market" means a virtual platform created using information and communication technology for marketing activities in agricultural produce such as billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities as are done electronically on computer network or internet;

(vi-aa) "export" means dispatch of agricultural produce outside the territory of India;

(vi-aaa)"exporter" means such person or firm who exports agricultural produce;

(vii-a) "import" means bringing agricultural produce from outside the territory of India;

(vii-aa)"importer" means such person or firm who imports agricultural produce from outside the territory of India;";

(3) for clause (xii), the following clauses shall be substituted, namely:-

"(xii) "Managing Director" means the Managing Director of the Gujarat State Agricultural Marketing Board appointed under section 34I;

(xii-a) "market" means a market established and regulated under this Act for the notified market area and also includes a market proper, a principal market yard, sub-market yard, private market, e-market and such other markets as may be declared under this Act;";

(4) after clause (xiii), the following clause shall be inserted, namely:-

"(xiii-a) "market service charges" means the charges on account of or in respect of commission, brokerage, weighing, measuring, *hammali* (loading, unloading, and carrying), cleaning, drying, sieving, stitching, stacking, hiring, gunny bags, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing and such other charges as the Director may by order in the *Official Gazette*, specify;";

(5) after clause (xiv), the following clause shall be inserted, namely:-

"(xiv-a) "market functionary" means a trader, a commission agent, buyer, *hamal*, processor, a stockiest and such other person as the State Government may by order in the *Official Gazette*, declare;";

(6) after clause (xvi), the following clauses shall be inserted, namely:-

"(xvi-a)" prescribed authority" means an officer, an agency or the organization as the State Government may by order in the *Official Gazette*, appoint;

(xvi-aa) "private market" means the market for which the licence has been granted under Chapter IVA;";

(7) after clause (xvii), the following clauses shall be inserted, namely:-

"(xvii-aa) "processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its product is subjected to;

(xvii-aaa) "processor" means a person who undertakes processing of any agricultural produce on his own accord or on payment of a charge;

(xvii-aaaa)"registration" means registration granted under section 31B;";

(8) after clause (xx), the following clause shall be inserted, namely:-

"(xx-a) "special market" means a market declared as such under section 31M;";

(9) after clause (xxiii), the following clauses shall be inserted, namely:-

"(xxiii-a)"transportation" means carriage of agricultural produce by any means of transport from one place to another;

(xxiii-aa) "transporter" means a person who transports agricultural produce;

(xxiii-aaa) "value addition" means processing, grading, packing or other activities due to which value is added to the agricultural produce;".

3. In the principal Act, in section 6, in sub-section (1), for the words "After the expiry", the words "Save as otherwise provided in this Act, after the expiry" shall be substituted.

Amendment
of section 6
of Guj. XX
of 1964.

4. In the principal Act, section 28 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) (a) The market fee specified in sub-section (1) shall not be levied for the second time in any market area from the buyer who is a processor, grader, packer, value addition centre or exporter of an agriculture produce and

Amendment
of section 28
of Guj. XX
of 1964.

market fee has already been paid on that agricultural produce in any market and the information in this context has been furnished, as prescribed, by the person concerned that the payment of market fee has already been made in other market, provided such proof as may be prescribed is furnished to the Director by the buyer who is doing processing, grading, packing, value addition or export within such period as may be prescribed by the Government.

(b) On the agricultural produce brought in the market area for commercial transaction or for processing, if the permit issued under clause (e) has not been submitted, the market fee shall be deposited by the buyer or processor, as the case may be, in the office of the market committee, within fourteen days but before sale or resale or processing or export outside the market area:

Provided that in case any agricultural produce is found to have been processed, sold or resold or dispatched outside the market area without payment of market fee payable on such produce, the market fees shall be levied and recovered on five times the market value of the processed produce or value of the agricultural produce, as the case may be.

(c) The market fee shall be payable by the buyer of the agricultural produce and shall not be deducted from the price payable to the agriculturist seller:

Provided that where the buyer of a agricultural produce cannot be identified, all the fees shall be payable by the person who may have sold or brought the produce for sale in the market area:

Provided further that in case of commercial transactions between traders in the market area, the market fee shall be collected and paid by the seller.

(d) The market functionaries, as the market committee may by bye-laws specify and in the case of market established under Chapter IVA of this Act as the Director may specify, shall maintain accounts relating to sale and purchase or processing or value addition in such manner as may be prescribed and submit to the market committee, the periodical returns, as may be prescribed.

(e) Any agricultural produce shall be removed out of the market area only in the manner and in accordance with the permit issued in such form, as may be prescribed. The vehicle carrying agricultural produce shall be accompanied by such proofs as may be prescribed:

Provided that the producer of the agricultural produce himself may remove the agricultural produce from one place to another without such permit.

5. In the principal Act, after section 28, the following section 28 A shall be inserted, namely:-

**Insertion of
new section
28A in Guj.
XX of 1964.**

**Power to
grant
exemption
from
payment of
market fee.**

"28 A. The State Government may, by notification published in the *Official Gazette*, and subject to such conditions and restrictions, if any, as may be specified therein exempt in whole or part any agricultural produce brought for

sale or bought or sold in the market area specified in such notification, from the payment of market fee for such period as may be specified.”.

6. In the principal Act, after section 31, the following Chapter and sections shall be inserted, namely:-

“CHAPTER IVA

PRIVATE MARKET, SPECIAL MARKET, E-MARKET, DIRECT PURCHASE MARKET, FARMER-CONSUMER MARKET AND CONTRACT FARMING.

Insertion of new sections 31A to 31R in Guj. XX of 1964.

31 A. Notwithstanding anything contained in any other provisions of this Act, the provisions contained in this Chapter shall apply to the private market, special market, e-market, direct purchase market, farmer-consumer market and contract farming.

Special provisions relating to private market and other markets.

31 B. (1) Any person who, in respect of agricultural produce, desires to operate in the market area as a trader, commission agent, weighman, *hamal*, surveyor, warehouseman, contract farming buyer, owner or occupier of processing factory or such other market functionary, shall apply to the managing body of the respective market for registration or renewal of registration in such manner and within such period as may be prescribed:

Registration of market functionaries.

Provided that the State Government may, by notification in the *Official Gazette*, exempt such persons or class of persons from the requirement of registration for such period as may be specified:

Provided further that any person who desires to trade or transact in any agricultural produce in more than one market areas, shall apply for registration to the Director.

(2) Every such application shall be accompanied by such fee as may be prescribed.

(3) The managing body or, as the case may be, the Director may refuse to register or renew the registration on the basis of one or more of the following reasons, namely:-

- (i) if not accompanied by the prescribed fee;
- (ii) dues of the market committee are outstanding against the applicant;
- (iii) the applicant is a minor or not bonafide;
- (iv) the applicant is a defaulter of dues payable under this Act and rules or bye-laws made thereunder; or
- (v) any other reasons as may be prescribed.

- (4) (i) If the application received under sub-section (1) fulfills all the requirements, it shall be disposed of by the managing body or as the case may be, the Director within a period of four weeks. Where the managing body or as the case may be, the Director fails to dispose of application within a period of four weeks, the applicant shall request in writing the managing body or as the case may be, the Director, for disposal of his application, and also inform in writing to the Director, in case of application made to the managing body or to the State Government, in case of application made to the Director.
- (ii) If the application is not disposed of, within a period of two weeks from the date of receipt of request made under clause (i), the registration or as the case may be its renewal shall be deemed to have been granted.
- (iii) The State Government in case of Director or, as the case may be, the Director in case of the managing body shall, on the basis of information received by him and after the expiry of period of two weeks, confirm that the application for registration or the renewal was submitted to the managing body or, as the case may be, the Director and that due action has not been taken by the managing body or, as the case may be, the Director for disposal of the said application, then-
- (a) the Director, in case of the application made to the managing body, shall issue a certificate granting deemed registration or its deemed renewal within the period of two weeks;
 - (b) the State Government, in case of the application made to the Director, shall direct the Director to issue a certificate granting deemed registration or its deemed renewal within the period of two weeks.

**Establishment
of Private
Market, e-
market, direct
purchase from
agriculturist.**

31 C. (1) Any person who desires to establish a private market or an e-market or to purchase agricultural produce directly from the agriculturist in one or more market areas, shall apply to such authority, in such form, in such manner and accompanied by such fee as may be prescribed.

(2) The prescribed authority may grant or renew licence on such terms and conditions as may be prescribed for –

- (a) establishing a private market for-
 - (i) process of the agricultural produce;
 - (ii) trade of fruits and vegetables;
 - (iii) export of agricultural produce; or
 - (iv) grading, packing and adding value in any other way to the agricultural produce,
- (b) establishing an e-market, or

- (c) purchasing agricultural produce directly from the agriculturist in one or more market areas.

31D. (1) The managing body of the private market, e-market and the markets established under section 31M shall levy and collect the fees on the agricultural produce referred to in clause (a) of sub-section (1) of section 31C brought or transacted in the private market, e-market and the markets established under section 31M at such rate and in such manner as may be prescribed.

Levy of
market
fees.

(2) No market fee shall be levied for second time in any market area for agricultural produce on which market fee has been paid in a private market, e-market and the markets established under section 31M on production of such proof as may be prescribed.

(3) The private market, e-market and the markets established under section 31M which has collected the fee under sub-section (1), shall contribute to the Development Fund established under section 34L, such percentage of fees in such manner, as may be prescribed.

(4) In case of e-market, the market fee shall be paid by the buyer on the purchase of goods at such rate and in such manner, as may be prescribed. Out of the fees so collected, such percentage of fees as may be prescribed shall be contributed to the Development Fund established under section 34L.

(5) Where the agricultural produce is purchased directly from the agriculturist, the market fee shall be paid to the market committee constituted under section 11 from whose market area the agricultural produce has been bought and removed.

31E. (1) Any person who desires to establish a Farmer-Consumer market shall apply to such authority, in such form, in such manner and accompanied by such fee as may be prescribed.

Establishment
of farmer-
consumer
market.

(2) The prescribed authority may grant or renew licence to establish Farmer-Consumer market on such terms and conditions, as may be prescribed. The person to whom a licence has been granted shall develop necessary infrastructure and at such place, producer of agricultural produce himself may, as may be prescribed, sell his produce directly to the consumer:

Provided that the consumer shall not purchase in excess of such quantity of commodity at a time in the market as may be prescribed.

(3) No market fee shall be levied on the transactions undertaken in the Farmer-Consumer market.

(4) The proprietor of the Farmer-Consumer market may charge such amount from the buyer for the services provided by him at such rate as may be prescribed.

Rejection of application for grant or renewal of licence.

31F. An application received under section 31C and 31E for grant or renewal of licence may be rejected for the reasons recorded in writing by the prescribed authority, on the basis of one or more of the following reasons, namely, :-

- (i) the application is not accompanied by the prescribed fee;
- (ii) the dues of the managing body are outstanding against the applicant;
- (iii) the applicant is a minor or not bonafide;
- (iv) the applicant is a defaulter of the dues payable under this Act, rules or the bye-laws made thereunder; or
- (v) any other reasons as may be prescribed.

Grant of common licence.

31G. (1) Any person who desires to obtain a common licence for the purpose of purchase of a minimum prescribed quantity of agricultural produce from not less than five markets shall apply to the Director, in such form and in such manner and accompanied by such fee as may be prescribed.

(2) On receipt of application under sub-section (1), the Director may, after making such inquiry as he may deem fit, grant a common licence subject to such terms and conditions as may be prescribed.

Power to suspend or cancel licence or registration.

31H. (1) The managing body or, as the case may be, the Director who has issued the licence or the registration, may, for the reasons to be recorded in writing, suspend or cancel the licence or the registration, if,-

- (a) the licence or the registration has been obtained through willful misrepresentation or fraud;
- (b) the holder of the licence or the registration or his servant commits a breach of any of the terms or conditions of the licence or the registration;
- (c) the holder of the licence or the registration in combination with other licence or registration holder commits any act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market yard or sub-market yard and in consequence whereof the marketing of any agricultural produce has been obstructed, suspended or stopped;
- (d) the holder of the licence or the registration has become an insolvent; or
- (e) the holder of the licence or the registration incurs any disqualification, as may be prescribed.

(2) No licence or registration shall be suspended or cancelled under sub-section (1) without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation.

31-I. (1) Any person aggrieved by an order of the managing body or, as the case may be, the Director, passed under section 31B, section 31F or section 31G, as the case may be, may prefer an appeal within thirty days of the receipt of the order in such form and in such manner as may be prescribed. -

Appeal.

(a) to the Director, if such order is passed by the managing body; and

(b) to the State Government, if such order is passed by the Director.

(2) The Appellate Authority, if it considers it necessary so to do, grant a stay of the order appealed against as it may deem fit.

(3) The order passed by the managing body or, as the case may be the Director shall, under section 31B, section 31F or section 31G, subject to the order in the appeal under this section be final.

31 J. (1) The dispute between the private market, the special market, the e-market, the direct purchase market, the farmer-consumer market, contract farming or the market committee shall be referred to an officer authorised by the State Government in this behalf.

Redressal of disputes between markets.

(2) The authorized officer after giving opportunity of being heard to the parties may resolve the dispute and the decision given by the authority under sub-section (1) shall be final.

31 K. (1) The Director or an officer authorized by the State Government in this behalf may, for the purposes of this Chapter, require any person carrying on business in any kind of agricultural produce to produce before him the accounts and other documents and to furnish any information relating to stocks of such agricultural produce or purchase, sale, processing, value addition and delivery of such agricultural produce by such person and also to furnish any other information relating to payment of market fees.

Power to order production of accounts of entry, inspection and seizure.

(2) All accounts and registers maintained by any person in the ordinary course of business of any agricultural produce and documents relating to stocks of such agricultural produce or purchase, sale, processing, value addition of such agricultural produce in his possession and offices, establishment, godowns, vessels or vehicles of such persons shall be kept open for inspection at all reasonable time by the Director or such officer.

(3) If the Director or such officer has reason to believe that any person is attempting to evade the payment of any market fee due from him under this Chapter or that any person has purchased, sold, processed or value added to any agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws, he may seize such accounts, registers or documents of such a person, as may be necessary, and shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination thereof or for prosecution.

(4) For the purposes of sub-section (2) or sub-section (3), the Director or such officer may enter or search any place of business, warehouse, office, establishment, godown, vessel or vehicle where the Director or such officer has reason to believe that such person keeps or for the time being has kept accounts, registers or documents of his business or stock of agricultural produce relating to the business.

(5) The provisions of sub-sections (4) to (8) of section 100 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to a search or seizure made under this section. 2 of 1974.

(6) Where any books of accounts or other documents are seized from any place and there are such entries therein making reference to quantity, quotations, rates, receipts or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in evidence and such entries shall be the *prima facie* evidence of matters, transactions and accounts purported to have been recorded therein.

**Submission
of audited
annual
accounts and
statement of
transactions.**

31 L. Every trader, processor, proprietor of a private market, farmer-consumer market, the e-market, the direct purchase market, contract farming or commission agent, carrying on business of agricultural produce shall, before the 30th June, every year submit to the Managing Director, audited annual accounts and a statement of transactions undertaken by or through him during the previous financial year, in the manner as may be prescribed.

**Special market
and special
commodity
market.**

31 M. (1) The State Government may, by notification published in the *Official Gazette*, declare any market area as 'Special Market' or 'Special Commodity Market' having regard to the factors such as turnover, area, nature of produce, special infrastructure requirements of particular commodity and such other factors as it may deem fit, also in addition to the existing market.

(2) Notwithstanding anything contained in sub-section (1) of section 11, the State Government may by notification in the *Official Gazette*, establish separate market committee for effective implementation of provisions of this Act for the market notified under sub-section (1).

(3) All provisions relating to the market committee made in the Act shall *mutatis mutandis* apply to the market committee established under sub-section (2).

**Constitution
of market
committee
for special
market
special
commodity
market.**

31 N. (1) Notwithstanding anything contained in sub-section (1) of section 11, every market committee for special market or special commodity market shall consist of following members, namely:-

- (i) The Chairman, to be nominated by the State Government;
- (ii) The Vice-Chairman, to be nominated by the State Government;
- (iii) not more than five agriculturists, to be nominated by the State Government from amongst the agriculturist residing in the State;

- (iv) not more than five traders, to be nominated by the State Government from amongst the traders holding trading licence in any market committees in the State. Out of the traders so nominated, at least two shall be the licence holders from the market committee of special market or special commodity market;
 - (v) The Municipal Commissioner or his nominee of the area where the special market or special commodity market is located, *ex-officio*;
 - (vi) The Collector of the District in which special market or special commodity market is located, or his nominee, *ex-officio*;
 - (vii) The Chief Town Planner or his nominee, *ex-officio*;
 - (viii) The Registrar of Co-operative Societies or his nominee, *ex-officio*;
 - (ix) The Director or his nominee, *ex-officio*;
 - (x) Executive Member, to be appointed by the State Government, who shall be the Secretary of the market committee;
 - (xi) The Agricultural Marketing Advisor to the Government of India or his nominee, *ex-officio*;
- (2) The members of the market committee, other than *ex-officio* members, shall hold office during the pleasure of the State Government.
- (3) The market committee shall meet at least once in three months.

31 O. (1) There shall be Executive Committee of the Market Committee of the Special Market or Special Commodity Market consisting of -

- (i) one representative of the traders holding the trading licence in the market committee of Special Market Special Commodity Market, nominated by the Director;
 - (ii) one representative of agriculturists; to be nominated by the Director;
 - (iii) the Registrar of Co-operative Societies, Gujarat State or his nominee,,
 - (iv) the Director or his nominee.
 - (v) executive-member of the Market Committee who shall be the Member-Secretary of the Executive Committee.
- (2) In case of emergency, the Executive Committee may decide issues requiring approval of the Market Committee. However, such decisions shall have to be approved by the Market Committee within 45 days from the date of such decisions. Failure in doing so or in the event of disapproval of such

Executive Committee for special market.

decisions by the Market Committee, such decisions shall be null and void.

(3) The Executive Committee shall meet at least once in two months.

Powers and
functions of
Secretary of
Market
Committee of
Special
Market.

31 P. The Executive Member of the Market Committee shall act as the Secretary of the Market Committee of the Special Market or Special Commodity Market. The Secretary shall -

- (i) exercise supervision and control over the officers and staff of the market committee in matters of executive administration concerning accounts and records and disposal of all questions relating to the services of the officers and staff of the Market Committee as per the prescribed procedure.
- (ii) appoint officers and staff of the Market Committee as per direction and procedure prescribed by the Market Committee,
- (iii) incur expenditure from the Market Committee fund for the sanctioned items of work,
- (iv) in cases of emergency, direct the execution or stoppage of any work,
- (v) sanction and launch prosecution for violation of the provisions of this Act or rules or bye-laws made thereunder,
- (vi) issue licences to the functionaries operating in the market,
- (vii) prepare annual budget of the Market Committee,
- (viii) arrange for summoning the meetings of the market committee and maintenance of records of the proceedings of such meetings,
- (ix) inspect from time to time the construction work undertaken by the Market Committee and send report of such inspection to the Chairman of the Market Committee,
- (x) report such acts of the Market Committee or members of the Market Committee including the Chairman and Vice-Chairman which are contrary to the provisions of this Act or rules or by-laws framed thereunder, to the Director,
- (xi) take such steps as deemed necessary for the effective discharge of the functions and decisions of the Market Committee.

Provisions
relating to
Contract
Farming
Agreement.

31 Q. The Contract Farming Agreement shall be subject to the following provisions, namely,:-

- (1) The contract farming agreement shall be in such form containing such particulars and terms and conditions, as may be prescribed.
- (2) The sponsorer shall furnish the copy of the agreement to the Board or to such officer and in such manner as may be prescribed.
- (3) The agricultural produce covered under contract farming agreement when sold, shall be liable to such market fees as may be prescribed by the Board.

31 R. (1) If any difficulty arises in giving effect to the provisions of this Chapter, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this chapter, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this chapter.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.”.

7. In the principal Act, after section 51, the following section shall be inserted, namely,:-

Insertion of new section 51A in Guj. XX of 1964.

“51A. (1) At any time when so required, -

Power to stop vehicles and inspect store.

- (i) by any officer or employee of the State Government authorized by the Director in this behalf in any market area, or
- (ii) by any officer or employee of the market committee authorized by the market committee in this behalf in the market area concerned,

the driver or any other person in charge of the vehicle, vessel or other means of conveyance shall stop such vehicle, vessel or other means of conveyance, as the case may be, and keep it stationary, as long as may reasonably be necessary, and allow such person to examine the contents in the vehicle, vessel or other means of conveyance and inspect all records relating to agricultural produce carried, and give his name, address and name and address of the owner of the vehicle, vessel or other means of conveyance and name and address of the owner of the agricultural produce carried in such vehicle, vessel or other means of conveyance.

(2) Persons empowered under sub-section (1) shall have power to seize any agricultural produce brought into or taken out or proposed to be taken out of the market area in any vehicle, vessel or other means of conveyance, if such person has reason to believe that any fee or other amount due under this Act or the value payable to the seller in respect of such produce has not been paid.

(3) If any person authorized under sub-section (1) has reason to believe that any person is attempting to evade the payment of any market fee due from him under this Act or that any person has purchased or stored any agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws in force in the market area, he may enter or search any place of business, warehouse, office, establishment or godown where the person empowered under sub-section (1) has reason to believe that such person keeps or has for the time being kept stock of agricultural produce and may seize the stored agricultural produce and such seized agricultural produce may be confiscated in favour of the market committee in such manner as may be prescribed.

Provided that no agricultural produce shall be confiscated without giving a reasonable opportunity of being heard to the person concerned.

- (4) The provisions of the Code of Criminal Procedure, 1973 shall apply to entry, search and seizure under sub-sections (1), (2) and (3) as they apply in relation to the entry, search and seizure of property by the police officer.”

2 of 1974.

**Amendment
of section 59
of Guj.XX of
1964.**

8. In the principal Act, in section 59, in sub-section (2),-

- (1) after clause (iv), the following clauses shall be inserted, namely:-

“(iv-aa) (i) the manner of furnishing information regarding payment of market fee and manner of providing proof thereof and within a period to be prescribed under sub-section (2) of section 28;

(ii) the manner of maintaining account and furnishing of periodical returns under sub-section (2) of section 28;

(iii) the manner and form for permit for removal of agricultural produce and the proofs to be accompanied with the vehicle carrying agricultural produce under sub-section (2) of section 28;

(iv-bb) the manner and the fee for the grant or renewal of registration of functionaries and reasons for refusal of such application under section 31B;

(iv-cc) the form, manner and fee for making an application and for prescribing terms and conditions for grant or renewal of licence under section 31C;

(iv-dd) the rate of market fee and manner of levy and collection thereof; the proofs to be produced; the percentage of market fee and manner of making contribution to the Development Fund, under section 31D;

(iv-ee) the form, the manner, the fees and the authority to whom application shall be made, the terms and conditions for grant or renewal of licence, the manner of selling of agricultural produce and the quantity of commodity that may be purchased at a time and the rate of market charge under section 31E.

(iv-ff) the other reasons for rejection of application for grant or renewal of application made under section 31C and section 31E, under section 31F;

(iv-gg) the form, the manner and fees required to be paid, the terms and condition for grant of common licence under section 31G;

(iv-hh) such other disqualifications for suspension or cancellation of licence or registration under section 31H;

(iv-ii) the form and manner for preferring the appeal under section 31-I;

(iv-jj) the manner of submitting audited annual accounts and statement of transaction under section 31L;

- (iv-kk) the procedure for supervision and control and procedure for appointment of the officers and staff of the market committee under section 31P;
- (iv-ll) the form, the particulars and the terms and conditions of, the manner in which and the officer to whom the contract farming agreement shall be furnished under section 31Q;”;
- (2) after clause (iv-h), the following clause shall be inserted, namely :-
- “(iv-ha) the manner in which the agricultural produce may be confiscated under section 51A;”.



(C)

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

XLVIII] WEDNESDAY, MAY 16, 2007/VAISAKHA 26, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinance Promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th March, 2007 is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 16th May, 2007).

*AN ACT
to provide for participatory irrigation management by
water users in the State of Gujarat.*

It is hereby enacted in the Fifty-eighth Year of the Republic of India
as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Water Users' Participatory Irrigation Management Act, 2007.

Short title, extent
and
commencement.

- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act.

Definitions. 2. In this Act, unless the context otherwise requires,—

- (1) "Association" means a Water Users' Association of a minor canal service area established under section 5;
- (2) "Committee" means a Managing Committee;
- (3) "Competent Authority in relation to a minor canal service area" means such officer of the State Government as it may, by notification in the *Official Gazette*, appoint for such service area as may be specified therein;
- (4) "field channel" means any channel or pipe (not being a water course) beyond an outlet or, as the case may be, a turn out constructed by the State Government to supply water from a water course or an outlet and maintained by the holder of land either by himself or jointly with other holders of lands or constructed and maintained by the holder of land by himself or jointly with other holders of lands to obtain water from a water course or an outlet, and includes all subsidiary works connected with any such channel or pipe;
- (5) "holder of land" or "land holder" means a person who is lawfully in possession of such land, whether such possession is actual or not;
- (6) "irrigable command area of a minor canal" means such area of land as is irrigated or is capable of being irrigated from the minor canal, being under its command and includes—

- (a) such area of cultivated land which, in the opinion of a Competent Authority, receives by percolation or otherwise from a minor canal an advantage beneficial to crop in such land and
 - (b) hydraulically managed irrigated area or an area capable of being irrigated either by gravitational flow or by lift irrigation;
- (7) "minor canal service area" means the area determined as a minor canal service area by the Competent Authority under sub-section (1) of section 3;
- (8) "Managing Committee" means a Managing Committee of an Association constituted under section 29;
- (9) "outlet" means an opening which is constructed by the State Government in a minor canal through which water is delivered into a water course or a field channel;
- (10) "prescribed" means prescribed by rules made under this Act;
- (11) "rotational water supply system" means the system of allocation and distribution of water to land in a service area equitably, in such proportion as the area of culturable command of such land bears to the total area of culturable command of a service area, according to the schedule for supply of water specifying among other things the day, turn, time and duration of such supply of water;
- (12) "service area" means the minor canal service area;
- (13) "turn out" means an opening which is constructed in a water course through which water is delivered into a field channel;

- (14) "water course" means a channel constructed and maintained by any Government to supply water from an outlet;
- (15) "year" means the financial year commencing on and from the 1st April of one year and ending on the 31st March of the next year;
- (16) other words and expressions used but not defined in this Act shall have the meanings respectively assigned to them in the Bombay Irrigation Act, 1879.

Bom. VII of
1879.

Declaration of 3. (1) For the purposes of this Act, the Competent Authority shall determine the irrigable command area of all outlets of a minor canal service area, determine the irrigable command area of all outlets of a minor canal and declare the same, by notification in the *Official Gazette*, as a minor canal service area.

(2) Where the Competent Authority is of the opinion that it is necessary so to do in the interest of efficient and equitable management of irrigation in the service area, it may, subject to such rules as may be made in this behalf, by notification in the *Official Gazette*, -

- (a) increase the limits of the service area,
- (b) decrease the limits of the service area, or
- (c) alter the boundaries of the service area.

CHAPTER II

ESTABLISHMENT OF WATER USERS' ASSOCIATION

4. In this Chapter, unless the context otherwise requires, a "member" means a member of the Association. Definition.
5. For the purposes of this Act, there shall be formed by the Competent Authority a Water Users' Association for each service area consisting of— Establishment of Water Users' Association.
- (1) holders of land in such area using the water for the purpose of irrigation, and
 - (2) persons residing or carrying on business in such area using water made available to them from the minor canal through sub-minor, field channel, water courses or pipe lines for irrigation or other purposes,
- if the Association represents fifty one per cent of the holders of land in the service area and the aggregate area of land held by such holders of land is not less than fifty one per cent of the service area.
6. (1) The first members of the Water Users' Association and all persons, who may hereafter become members thereof so long as they continue so to be, are hereby constituted a body corporate by the name of Water Users' Association. Incorporation of Water Users' Association.
- (2) The said body shall have perpetual succession and a common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property, movable or immovable, to raise loans on the security of its fund in such manner and subject to such limits and other requirements including

guarantee as may be prescribed and to contract and do all things necessary for the purposes of this Act.

Election of President at first meeting of Association. 7. (1) (a) On the formation of the Association, there shall be called the first meeting thereof for election of its President from amongst the member.

(b) The meeting shall be held on such date within four weeks from the date of the formation of the Association as may be fixed by the Competent Authority and shall be presided over by the Competent Authority who shall have such powers and follow such procedure as he deems fit but shall not have right to vote.

(2) The term of the office of the President shall be six years from the date of his election.

Meetings of Association. 8. (1) The Association shall meet at such time and place and shall, subject to sub-section (2), observe such rules of procedure with regard to the transaction of business at its meeting as may be prescribed by regulations.

(2) (a) All the questions at a meeting of the Association shall be decided by a majority of votes of the members present and voting on the question and when there is an equality of votes, the President shall have the second or casting vote;

(b) The quorum of the meetings of the Association shall not be less than one-third of its members :

Provided that the members of the Association falling under clause (2) of section 5 shall have the right to speak or otherwise take part in the proceedings of a meeting of the Association held under clause (a) of sub-section (1) of section 7 or under sub-section (1) but shall not be entitled to vote.

9. (1) The Association, in order to enable it to perform its functions, may appoint, — Officers and employees of Association.

- (i) a secretary,
- (ii) a minor canal operator, and
- (iii) such other officers and employees as may be determined by it.

(2) The salary and allowances payable to, and other conditions of service of the secretary, minor canal operator and other officers and employees shall be such as may be determined and borne by the Association.

CHAPTER III

PARTICIPATOROY IRRIGATION MANAGEMENT AND OTHER FUNCTIONS OF ASSOCIATION.

10. In this Chapter, unless the context otherwise requires—

Definitions.

(a) “designated person” means the Chairman of the Committee,

(b) “entrusted minor canal” means the minor canal the irrigation management of which is entrusted to an Association under sub-section (1) of section 16.

11. For the purpose of enabling an Association to undertake participatory irrigation management, the Competent Authority shall, so far as possible, provide an assured supply of water from a minor canal on volumetric basis, or such other basis as may be prescribed, to the service area by ensuring that,—

Competent Authority to provide assured supply of water.

(a) there is a measuring device at the minor canal and

(b) the minor canal is operated in accordance with a programme for supply of water for each season prepared by the Competent Authority in consultation with the designated person.

Ascertainment of
willingness of
Association to
undertake
irrigation
management.

12. The Competent Authority shall ascertain from the designated person the willingness or otherwise of the Association to participate in the irrigation management of the minor canal from which water is to be supplied to the service area for irrigation.

Willing
Association to
enter into an
agreement.

13. Where an Association expresses its willingness to participate in irrigation management under section 12, it shall be required to enter into an agreement with the State Government, in such form as may be prescribed, providing for such participation.

Joint
inspection of
minor canal.

14. (1) As soon as an agreement is entered into by the Association with the State Government under section 13, there shall be carried out inspection of the minor canal, which is to be managed by the Association under the agreement, jointly by the Competent Authority and the designated person.

(2) The inspection under sub-section (1) shall also be carried out of water courses, if any, existing in the service area, which are to be managed by the Association along with the minor canal.

Repairs to
canal.

15. (1) Where, on account of the joint inspection of the minor canal and water courses under section 14, it appears, both to the Competent Authority and the designated person, that it is necessary to carry out repairs to the minor canal and any of the water courses, as mutually agreed upon, before entrustment of the irrigation management of the minor canal along with the water courses, the Association shall carry out the repairs to the minor canal and water course.

(2) The cost of the repairs to the minor canal and water course carried out under sub-clause (1) shall be borne both by the State Government and the Association for such proportion as may be prescribed.

(3) Where Association fails to carry out repairs under sub-section (2) within such time as may be stipulated by the Competent Authority, the same shall be carried out by the Competent Authority, the cost of such shall be borne as provided in sub-section (2).

16. (1) Where repairs to the minor canal and water courses are carried out under section 15, the Competent Authority shall, by an order in writing, entrust the irrigation management of the minor canal and water courses to the Association.

Entrustment of
irrigation
management to
Association.

(2) Where an order under clause (1) is issued, the Association shall take over the irrigation management of the minor canal and water courses and upon the Association taking over the irrigation management of the minor canal and water courses, the designated person shall make an endorsement to that effect on the order so issued.

17. (1) Where there do not exist water courses in the service area at the time when irrigation management of the minor canal is entrusted to the Association, the Association shall construct the water courses in the service area.

Construction of
water courses by
Association.

(2) For the purpose of construction of water courses by the Association, the Competent Authority shall prepare a draft scheme for construction of water courses in the service area and for that purpose, the provisions of sub-section (2) of section 20A and sections 20B to 23 of the Bombay Irrigation Act, 1879 shall, so far as may be, apply as if—

Bom. VII of
1879.

- (a) for the words "field channel" wherever they occur, the words "water course" had been substituted;
- (b) in clause (vi) of sub-section (2) of section 20A, for the words "the canal to this land" appearing at the end, the words "from the outlet of the entrusted minor canal" had been substituted,
- (c) for the words "the authorised canal officer" or "canal officer", wherever they occur, the words "Competent Authority" had been substituted.

18. Where there does not exist field channels in the service area at the time when irrigation management of minor canal is entrusted to the Association.

Bom. VII of
1879.

Association, the Association shall construct field channels in accordance with the provisions of Part III of the Bombay Irrigation Act, 1879, in so far as they are applicable, as if—

- (a) for the words “the authorised canal officer” or “canal officer”, wherever they occur, the words “Competent Authority” had been substituted,
- (b) in clause (vi) of sub-section (2) of section 20A, for the words “the canal to this land” appearing at the end, the words “from the entrusted minor canal to this land” had been substituted.

Functions of 19. The Association, which enters into an agreement with the State Association Government under section 13 and to which irrigation management of a minor canal and water courses are entrusted under sub-section (1) of section 16, shall generally undertake irrigation management of the entrusted minor canal and water courses and particularly perform the following functions, namely:—

- (a) to ascertain the demand of water of each holder of land in the service area;
- (b) to measure and receive the quantity of water at the measuring device and to ensure proper apportionment and distribution of the water so received to all holders of land in the service area and for that purpose, to prepare rotational water supply system and implement it;
- (c) to inquire into complaints regarding distribution of water and to take immediate action to remedy them;
- (d) to take steps to prevent unauthorised use of water or waste of water or damage to the entrusted minor canal;

Bom. VII of
1879.

- (e) to carry out normal maintenance and repairs of the entrusted minor canal in accordance with the terms and conditions of the agreement entered into under section 13;
 - (f) to pay the water rates levied under section 44 of the Bombay Irrigation Act, 1879 or the occasional water charges levied under section 45 of the said Act to the State Government on or before the due dates for their payment;
 - (g) for the purpose of payment of water rates under clause (f), to determine the water rates or, as the case may be, the occasional water rates payable by the land holders and collect the water rates or, as the case may be, the occasional water charges, so determined from the land holders;
 - (h) to maintain proper accounts of water received and distributed, and of money and materials received and used;
 - (i) to carry out other duties and functions imposed upon the Association by or under this Act and to act according to the terms and conditions of the agreement entered into under section 13;
 - (j) to refrain from doing anything which is contrary to the Act or the rules made thereunder and the terms and conditions of the agreement entered into under section 13.
20. (1) The Competent Authority may, from time to time, inspect, —
- (a) the water distribution by the Association in the service area of the entrusted minor canal, and
 - (b) the records maintained by the Association in relation to such water distribution.
- Power of
Competent
Authority to
inspect and give
directions.

(2) The Competent Authority may issue to the Association such directions as it deems necessary,—

(a) where, on inspection under sub-section (1), the Competent Authority is of the opinion that—

(i) the water distribution is faulty or

(ii) the records are not maintained or are maintained but not properly, or

(b) to ensure compliance by the Association of the provisions of this Act and the rules made thereunder or of the terms and conditions of the agreement entered into by the Association with the State Government.

(3) The Association shall carry out the directions issued to it by the Competent Authority under sub-section (2).

(4) Where the Association makes persistent default in carrying out the directions issued to it under sub-section (2), the Competent Authority may, notwithstanding anything contained in the agreement, recommend to the State Government to terminate the agreement.

Determination and collection of water charges by Association. 21. An Association may determine the water charges due from its members for the water supplied from the minor canal to their land for irrigation and collect the same.

Other functions of Association. 22. The Association shall perform the following functions, namely:—

- (1) to receive applications for use of water for irrigation from its members accompanied by such fees as may be determined by the Association,
- (2) to register its members,

- (3) to collect such fees, as are determined by it, from its members,
- (4) to permit supply of water for irrigation to its members,
- (5) to regulate use of water,
- (6) to promote economy in the use of water,
- (7) to encourage members to adopt water saving devices or techniques such as drip, sprinklers and to recommend to the State Government remission of water rates, payable by members who adopt water saving devices and the State Government may, after verification, grant remission subject to such principles as may be prescribed;
- (8) to collect water rates levied under section 44 or 45 of the Bombay Irrigation Act, 1879 from its members,
- (9) to collect such water charges from members for use of water for purposes other than irrigation as may be determined by the Competent Authority with the previous approval of the State Government,
- (10) to make payment to the State Government of water rates collected from its members after deducting thereupon such percentage of cost of collection as may be prescribed,
- (11) to prepare plan for maintenance of the entrusted minor canal and for construction and maintenance of water courses and field channels and all other works related to the entrusted minor canal, water courses and field channels,
- (12) to collect from its members expenses incurred by it in carrying out normal maintenance and repairs of the entrusted minor canal,
- (13) to maintain such records as may be prescribed,
- (14) to perform such other functions as are laid down by or under this Act.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS OF ASSOCIATION.

Fund of Association. 23. (1) The Association shall have its own fund and all receipts of the Association shall be credited thereto and all payments by the Association shall be made therefrom.

(2) The Association may accept grants, subventions, donations and gifts from the Central Government or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.

(3) The Association may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Association.

(4) All moneys belonging to the fund or Sinking Fund of the Association shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Association.

24. (1) Whenever the Association raises a loan for the purposes of this Act, it shall establish a fund to be called a Sinking Fund and shall pay into it on such dates as may be approved by the Competent Authority such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay up the loan within the stipulated period:

Sinking Fund.

Provided that if, at any time, the sum standing to the credit of the Sinking Fund is of such amount that if allowed to accumulate at compound interest, it is sufficient to repay the loan within the stipulated period, then,

with the permission of the Competent Authority, further payments into such fund may be discontinued.

(2) The Association may apply a Sinking Fund or any part thereof in or towards the discharge of the loan for which the fund is established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

25. (1) (a) The Association shall prepare annually on or before such date and in such form and manner, as may be prescribed, a budget for the next financial year, showing the estimated receipts and expenditure. Budget.

(b) The Association shall, as soon as may be after the said date, consider the budget estimate so prepared and approve the same subject to such modification as it may make.

(2) Except in the case of emergency, no sum shall be expended by or on behalf of the Association unless the expenditure is covered by provision in the budget as approved.

26. (1) The accounts of the Association shall be prepared and maintained in such form and manner as may be prescribed. Accounts and Audit.

(2) The Association shall cause to be prepared for each financial year an annual statement of accounts in such form as may be prescribed.

xxxviii of
1949. (3) The accounts of the Association shall be audited by an auditor who is a Chartered Accountant within the meaning of the Chartered Accountants

Act, 1949.

(4) The said auditor shall be appointed by the Association.

(5) Every auditor appointed to audit the accounts of the Association under this Act shall have a right to demand the production of books of

accounts, connected vouchers and other documents and papers, to inspect the offices of the Association and to require such information from the Association as he may think necessary for performance of his duty as an auditor.

(6) The auditor shall send a copy of his report together with a copy of audited accounts to the Association which shall, as soon as may be after the receipt of the audit report, forward the same to the Competent Authority.

Annual report. 27. The Association shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the Competent Authority.

CHAPTER V

CONSTITUTION OF MANAGING COMMITTEE

Definition. 28. In this Chapter, unless the context otherwise requires, "member" means a member of the Committee.

29. (1) A Managing Committee of an Association shall consist of, -

- (a) a Chairperson and such number of other members not exceeding eleven as may be determined by the Competent Authority having regard to the number of members of the Association falling under clause (1) of section 5, and
- (b) an officer not below the rank of Additional Assistant Engineer of a division in which the minor canal exists, as may be nominated by an Executive Engineer of such division, *ex-officio*,

Constitution of
Managing
Committee.

(c) the member referred to in clause (b) shall have the right to speak or otherwise take part in the proceedings of a meeting of the Committee, but shall not be entitled to vote.

(2) The members of the Managing Committee shall be elected by members of the Association falling under clause (1) of section 5, from amongst themselves in such manner as to give equal representation to all the parts of the service area referred to in sub-section (3).

(3) For the purpose of sub-section (2), the Competent Authority shall divide the service area in three parts, namely, head reach, middle reach and tail reach.

(4) The election of members shall be held in accordance with such rules as may be prescribed generally relating to election and in particular in respect of matters such as electoral roll, nomination of candidates, manner of voting, counting of votes, declaration of results of voting, resolution of disputes.

30. On constitution of the Committee, the Committee shall co-opt not more than four members from the persons referred to in clause (2) of section 5 and the members so co-opted shall have the right to speak or otherwise take part in the proceedings of a meeting of the Committee but shall not be entitled to vote.

Co-option of
members.

Election of
Chairperson.

31. (a) On the constitution of the Committee, there shall be called the first meeting thereof for the election of its Chairperson from amongst the members.

(b) The meeting shall be held on such date within four weeks from the date on which the Managing Committee is constituted, as may be fixed by the Competent Authority, and shall be presided over by the Competent Authority who shall have such powers and

follow such procedure as he deems fit but shall not have the right to vote.

Term of office of members. 32. Term of office of a member shall be six years from the date of his election.

Filling of vacancy. 33. On occurrence of any vacancy in the office of a member due to death, resignation or any other reason, the same shall be filled in by the Association by election.

Disqualifications. 34. A member of the Association shall be disqualified for being elected or being a member of the Committee, if such member of the Association —

- (a) is an officer or employee of the Government or of a local authority or of any institution receiving grant in aid from the Government;
- (b) is, or at any time, adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) is or has been convicted of any offence which, in the opinion of the Competent Authority, involves moral turpitude;
- (e) fails to pay any arrears of land revenue or water rates payable to the State Government or charges payable to the Association within the period provided for such payment;
- (f) has, directly or indirectly, interest in any contract by or on behalf of the Association, a gram panchayat, a taluka panchayat or district panchayat or State or Central Government;
- (g) ceases to be a holder of land in the service area;

35. (1) Notwithstanding anything contained in section 32, the Competent Authority may, at any time, remove any member from office if, in its opinion, such a member—

Removal or
resignation of a
member.

- (a) is or has become subject of any of the disqualifications mentioned in section 34
- (b) has been guilty of misconduct in discharge of his duties,
- (c) has become physically or mentally incapable of discharging his duties as a member,
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest, or
- (e) has, without reasonable cause, refused or failed to attend three consecutive meetings of the Committee:

Provided that no member shall be removed from his office unless an opportunity of being heard is given to the member.

(2) Any member may, by writing under his hand addressed to the Association, resign his office.

36. (1) The Committee shall meet at such times and places and shall, subject to sub-sections (2) and (3), observe such rules of procedure with regard to transaction of business at its meetings as may be prescribed by the Committee.

Meetings of
Committee.

(2) The Chairperson or if, for any reason, he is unable to attend any meeting, any other member, authorised by the Chairperson and present at the meeting, shall preside over the meeting of the Committee.

(3) (a) All the questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting on that

regard to transaction of business at its meetings as may be prescribed by the Committee.

(2) The Chairperson or if, for any reason, he is unable to attend any meeting, any other member, authorised by the Chairperson and present at the meeting, shall preside over the meeting of the Committee.

(3) (a) All the questions at a meeting of the Committee shall be decided by a majority of votes of the members present and voting on that question and the presiding member shall have the second or casting vote when there is an equality of votes.

(b) The quorum of the meetings of the Committee shall not be less than three members.

Officers and employees of Committee. 37. The officers and employees appointed by the Association under section 9 shall assist the Committee to enable to perform its functions under this Act.

Acts and proceedings presumed to be valid. 38. (1) No act or proceeding of the Committee shall be questioned or be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

(2) No act done by any person acting in good-faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his selection or nomination.

CHAPTER VI

FUNCTIONS OF COMMITTEE

39. The Committee shall perform such of the functions of the Association as are from time to time assigned to it by the Association. **Performance of functions.**

CHAPTER VII

OFFENCES AND PENALTIES

- (c) pollutes or fouls the water of entrusted minor canal so as to render it less fit for the purposes for which it is ordinarily used;
 - (d) destroys, defaces or removes any land or level mark or water gauge fixed by the authority of a public servant;
 - (e) destroys, tampers with, or removes any apparatus or part of any apparatus for controlling, regulating or measuring the flow of water in an entrusted minor canal;
 - (f) passes or causes animals or vehicles to pass, in or across any of the works, banks or channels of an entrusted minor canal contrary to regulations made under section 59;
 - (g) causes or knowingly and wilfully permits cattle to graze upon any entrusted minor canal or flood embankment, or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such entrusted minor canal or embankment, or roots up any grass or other vegetation growing on any such entrusted minor canal or embankment, or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injured, any tree, bush, grass or hedge intended for the protection of such entrusted minor canal or embankment;
 - (h) violates any rule made under section 58 for breach whereof, the State Government may, in such rules, direct that a penalty shall be incurred;
- and whoever—
- (i) being responsible for the maintenance of a field channel, or using a field channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner;

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction, be punished in the case of a first offence with fine which may extend to two thousand rupees, and in the case of a second and subsequent offence, with fine which may extend to five thousand rupees:

45 of 1860.

For endangering stability of minor canal, etc.

41. Whoever, without proper authority,—

- (a) pierces or cuts through or attempts to pierce or cut through or otherwise to damage, destroy or endanger the stability of any entrusted minor canal;
- (b) opens, shuts or obstructs, or attempts to open, shut or obstruct any sluice in any entrusted minor canal;
- (c) makes any dam or obstruction for the purpose of diverting or opposing the current of a river or an entrusted minor canal on the bank whereby there is a flood embankment, or refuses or neglects to remove any such dam or obstruction when lawfully required so to do;

45 of 1860.

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction, be punished in the case of a first offence with fine which may extend to two thousand rupees, and, in the case of a second and subsequent offence with fine which may extend to five thousand rupees.

42. Whenever any person is convicted under either section 40 or 41, the Obstruction to be removed and damage repaired.

convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which he is convicted within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, the Competent Authority may remove such

obstruction or repair such damage and the cost of such removal or repair, as certified by the said Competent Authority, shall be leviable from such person by the Collector as an arrear of land revenue.

43. (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

*Explanation.—*For the purpose of this section,—

- (a) "company" means a body corporate and includes a firm or other association of individuals and
- (b) "director in relation to firm" means a partner in the firm.

Persons employed on entrusted minor canal may take offenders into custody. 44. Any person in charge of, or employed upon, any entrusted minor canal, may remove from the lands or buildings belonging thereto, and take forthwith to the nearest police station, to be dealt with according to law, any person who within his view—

- (a) wilfully damages, obstructs or fouls any entrusted minor canal;
or
- (b) without proper authority interferes with the supply or flow of water, in or from any entrusted minor canal, or in any river, or stream so as to endanger, damage or render less useful any entrusted minor canal.

Saving of prosecution under other laws. 45. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Act.

Payment of fine as award to informant. 46. (1) Whenever any person is fined for an offence under this Act, the court, which imposes such fine, or which confirms in appeal or revision sentence of such fine, or a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid by way of award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

(2) Where the fine be awarded by a court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed or, if an appeal be presented till after the decision of the appeal.

47. No court shall take cognizance of an offence punishable under this Act except on a complaint made by the Competent Authority or the President of the Association or the Chairperson of the Committee.

Cognizance of offences.

48. (1) The Association may, either before or after the institution of proceedings for any offence punishable under this Chapter, accept from any person charged with such offence, by way of composition of offence such sum not less than five hundred rupees and not more than five thousand rupees as may be determined by it.

Compounding of offences.

(2) On payment of such sum as may be determined by the Association under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence and any proceedings, if already taken, shall stand abated.

Explanation.—For the purposes of this Chapter, the expression “entrusted minor canal” shall have the meaning assigned to it by clause (b) of section 10 and shall include a water course and a field channel into which the water of the entrusted minor canal flows.

CHAPTER VIII MISCELLANEOUS

49. Where, by notification under sub-section (2) of section 3, the limits of any service area has been,—

Consequences of alteration of limits of service area.

(i) increased or

(ii) decreased,

the Competent Authority may, notwithstanding anything contained in this Act, by order published in the *Official Gazette*, provide for following matters, namely:—

(a) in the case falling under clause (i), require the Association to include holders of land in the service area so increased as its members and to elect a holder of land in that area as a member of the Committee,

(b) in the case falling under clause (ii), -

(i) require the Association to exclude its member who are holders of land in the service area so decreased and

(ii) removal of members of the Committee representing the area so decreased.

Power to reduce water rates. 50. Where an Association pays water rates before a date stipulated for its payment, the State Government may, by notification in the *Official Gazette*, reduce the water rates payable by such Association to such extent as it deems fit.

Bom. VII of
1879.

Settlement of disputes. 51. Any dispute or difference arising between members of the Association shall be presented to the Chairperson of the Committee within a period of thirty days from the date it has arisen and the Chairperson may pass such order as he may deem just and proper.

Appeal. 52. (1) An appeal shall lie to such officer of the State Government as it may, by notification, specify, against any order or decision of the Association or the Managing Committee affecting a member of the Association or any other individual.

(2) Such appeal shall be made within a period of thirty days from the date of order or decision.

(3) The specified officer may pass such order on the appeal as he may deem just and proper and the order so passed shall be final.

53. (1) An officer of the State Government authorised by notification published in the *Official Gazette*, may on his own motion within two years or, on an application made to him, within one year from the date of any order or decision of the Competent Authority or the Association or the Committee, call for and examine the record of any such order or decision for the purpose of satisfying himself as to the legality, regularity or propriety of such order or decision, and pass such order thereon as he thinks just and proper, within twelve months from the date of service of notice for revision.

(2) Where an appeal lies under section 52 and no appeal has been filed, no proceedings in revision under this section shall be entertained upon application.

(3) No order shall be passed under this section which adversely affects any person, unless such person has been given reasonable opportunity of being heard.

54. (1) Where any amount is due from a member of the Association, the Association shall, with the least practicable delay, cause to be presented to the member liable for the payment thereof a bill for the amount due from him specifying the date on or before which the amount shall be paid.

Recovery
of dues.

(2) If the Association is unable to recover the amount due to it from a member, it shall be recovered as an arrear of land revenue.

Power of State Government to issue directions to Association. 55. (1) In the performance of its functions under this Act, the Association shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time.

(2) The decision of the State Government whether a question is one of policy or not shall be final.

Power of Association to issue directions. 56. (1) In the performance of its functions under this Act, the Committee shall be bound by such directions on questions of policy as the Association may give in writing to it from time to time:

Provided that the Committee shall be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Association whether a question is one of policy or not shall be final.

Protection of action taken in good faith. 57. No suit, prosecution or other legal proceedings shall lie against the Competent Authority, the Association or, as the case may be, the Committee or any member, officer or servant of the Association or, as the case may be, the Committee for anything which is, in good faith, done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

Power of the State Government to make rules.

58. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

59. The Association may, with the previous approval of the State Government, make regulations not inconsistent with this Act or the rules made thereunder for enabling it to perform its functions under this Act.

Power of Association to make regulations.

60. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

61. The provisions of this Act shall be in addition to and not in Savings.
derogation of the Bombay Irrigation Act, 1879.

CHAPTER IX

PANCHAYAT MINOR CANAL

62. In this Chapter, unless context otherwise requires, "panchayat minor Definition.
canal" means a minor canal constructed and maintained or controlled by—

- (a) a taluka panchayat in the exercise of its functions in the sphere of agriculture and irrigation as described in Schedule II to the Gujarat Panchayats Act, 1993,
- (b) a district panchayat in the exercise of its functions in the sphere of a minor irrigation project as described in Schedule III to the said Act.

**Application of
Act to
panchayat
minor canal.** 63. The provisions of this Act shall apply to a panchayat minor canal as if in the Act,—

- (1) for the words "minor canal" wherever they occur, the words "panchayat minor canal" had been substituted;
- (2) in clause (3) of section 2 for the words "such officer of the State Government", the words "such officer of the Taluka Panchayat or, as the case may be, the District Panchayat" had been substituted;
- (3) in Chapter III, for the words "the State Government" wherever they occur, the words "taluka panchayat in relation to the taluka panchayat minor canal or, as the case may be, the district panchayat in relation to the district panchayat minor canal" had been substituted.



(C)

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

XLVIII] WEDNESDAY, MAY 16, 2007/VAISAKHA 26, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinance promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th May, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 16th May, 2007.).

AN ACT

further to amend the Dhirubhai Ambani Institute of Information and Communication Technology Act, 2003.

It is hereby enacted in the Fifty-eight Year of the Republic of India as follows :-

1. This Act may be called the Dhirubhai Ambani Institute of Information and Communication Technology (Amendment) Act, 2007. Short title.
- Guj. 6 of 2003. 2. In the Dhirubhai Ambani Institute of Information and Communication Technology Act, 2003 (hereinafter referred to as "the principal Act"), in section 2,- Amendment of section 2 of Guj. 6 of 2003.

(1) clause (h) shall be deleted;

(2) in clause (j), for the words "the Dhirubhai Ambani Foundation, Mumbai", the words "the Dhirubhai Ambani Memorial Trust, Mumbai" shall be substituted.

Amendment of
section 7 of
Guj. 6 of 2003. 3. In the principal Act, in section 7, in sub-section (1), for the words "the Dhirubhai Ambani Foundation", the words "the Dhirubhai Ambani Memorial Trust, Mumbai" shall be substituted.

(C)



The Gujarat Government Gazette

**EXTRAORDINARY
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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 16th May, 2007).

AN ACT

to provide for establishment of the Gujarat Technological University in the State by law for the purpose of ensuring systematic, efficient and qualitative education in engineering and technology and to confer the status of University thereon and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Technological University Act, 2007.

Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (i) "Academic Council" means the Academic Council of the University constituted under section 19;
- (ii) "affiliated college" means a college or institution affiliated to the University under section 8 or 26;
- (iii) "Board" means the Board of Governors of the University constituted under section 15;
- (iv) "Chairman" means the Chairman of the Board;
- (v) "college" means a college or an institution teaching courses leading to a diploma or a degree;
- (vi) "Director" means the Director of the school of studies of the University appointed under section 23;
- (vii) "Dean" means the Dean of the University appointed under section 24;
- (viii) "Finance Committee" means the Finance Committee of University constituted under section 21;
- (ix) "prescribed" means prescribed by the regulations;
- (x) "Registrar" means the Registrar of the University appointed under section 25;
- (xi) "Regulations" means the regulations of the University made under section 43;
- (xii) "University" means the Gujarat Technological University established and incorporated under section 3;
- (xiii) "University College" means a college, which the University may establish or maintain under this Act or a college transferred to and maintained by the University;
- (xiv) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 11.

CHAPTER II

THE UNIVERSITY

3. (1) There shall be established a University by the name of 'the Gujarat Technological University'.
Establishment and incorporation of University.
- (2) The Chancellor, the Vice-Chancellor, the Board, the Academic Council, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of 'the Gujarat Technological University'.
- (3) The University shall function as an affiliating University and it shall affiliate any other college, institution or University for the conferment of degrees, diplomas or grant certificates to the students admitted therein.
- (4) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.
Headquarters of University.
4. The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.
Headquarters of University.
5. The objects of the University shall be to develop the knowledge of science, engineering, technology, management and environment for the advancement of quality of life of the mankind in general and in relation to the domain of engineering and technological development and applications. The prime objects of the University shall be to create centres and institutes of excellence in basic and applied science, engineering and technology in particular and other objects shall be as follows, namely:-
Objects of University.
- (i) to create institutes and centres of excellence for imparting State-of-the-art education, training and research in the fields of science, engineering, technology and management in general;

- (ii) to create capabilities for development of knowledge, skill and competency at various levels;
- (iii) to create capabilities for upgrading the infrastructure of global standard for education, training and research in the areas related to engineering technology and science;
- (iv) to develop patterns of teaching and training at various levels of educational accomplishments so as to set high standards of education in science, engineering and technology;
- (v) to function as a leading resource centre for knowledge management and entrepreneurship development in the areas of science and technology;
- (vi) to provide inter-relationship for national and global participation in the fields of science, engineering, technology and management;
- (vii) to establish close linkages with industry to make teaching, training and research at the University relevant to the needs of the industry at national and global levels;
- (viii) to make such provisions as would enable affiliated colleges to undertake specialization of studies; and
- (ix) to establish, maintain or take over by agreement and manage colleges, department, centres and institutes of research or -specialised studies.

**University open
to all irrespective
of sex, religion,
class, creed or
opinion.**

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or bodies, committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the

University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely :-

- (i) to administer and manage the University and to establish such Institutes and centres for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to science, engineering, technology and management and allied areas;
- (iii) to conduct innovative experiments in new methods and technologies in the field of science, engineering, technology and management in order to achieve international standards of such education, training and research;
- (iv) to prescribe course of study and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such condition as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates or other academic distinctions or titles in the prescribed manner;
- (vi) to confer honorary degrees or other distinctions in the prescribed manner;

- (vii) to establish such special centres, specialised study centres or other units for research and instruction as in the opinion of the University are necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organize exhibitions, workshops, seminars, conferences, etc.;
- (ix) to sponsor and undertake research in all aspects of science, technology and management;
- (x) to offer executive developmental programmes;
- (xi) to collaborate or associate with, advise, administer, control, develop, maintain, any educational institution with like or similar objects;
- (xii) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partly similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xiii) to develop and maintain relationships with teachers, researchers and experts in any part the world for achieving the objects of the University;
- (xiv) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (xv) to receive grants, subventions, subscriptions, donations and gifts for the purpose of University and consistent with the object of the University and to enter into any agreement with Central Government, State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
- (xvi) to receive funds from Industry, national and international organizations or any other sources as gifts, donations, benefactions, bequests by transfers of movable or immovable properties for the purposes and objects of the University;

- (xvii) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculty, officers and employees of the University and the guest house;
- (xviii) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xix) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xx) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xxi) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;
- (xxii) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University with the previous sanction of the State Government;
- (xxiii) to draw and accept, to make and endorse, discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxiv) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities on such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to

the raising of money, to repay and redeem any money borrowed with the previous sanction of the State Government;

- (xxv) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxvi) to execute conveyance regarding transfer, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the previous sanction of the State Government;
- (xxvii) to admit the students for the courses offered by the University in the prescribed manner;
- (xxviii) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxix) to regulate and enforce discipline among the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxx) to institute professorship, associate professorship, assistant professorship, honorary professorship, adjunct professorship, readership, lectureships, endowed professorship, honorary professorship, adjunct professorship and any other teaching, academic or research posts and to prescribe qualifications for the persons to be appointed on such posts;
- (xxxi) to appoint persons as Professors; Associate Professors, Adjunct Professors, Assistant Professors, Readers, Lecturers, Registrar or otherwise as teachers or researchers of the University;
- (xxxii) to delegate all or any of its powers (except the power to make regulations) to any other officer or authority of the University; and

(xxxiii) to do such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

8. (1) The jurisdiction of the University shall extend to the whole of the State of Gujarat.

Jurisdiction of University.

(2) No college or institution imparting education in engineering and technological subjects shall be associated in any way with or seek affiliation or admission to any privileges of any other University established by law.

(3) Notwithstanding anything contained in any other State laws for the time being in force, the colleges or institutions as may be specified by the State Government, by notification in the *Official Gazette*, imparting education in engineering and technological subjects and affiliated to any other University established by law of the State Legislature shall cease to be affiliated from the University to which such colleges or institutions have been affiliated and such colleges or institutions shall be deemed to be affiliated to the University from such date as specified in the said notification.

(4) The University may impose such terms and conditions upon the colleges or institutions referred to in sub-section (2) as it may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University.

9. (1) The Governor of the State shall be the Chancellor of the University. **Chancellor.**

(2) The Chancellor shall, by virtue of his office, be the head of the University and preside at any convocation of the University.

(3) The Chancellor shall have such other powers as may be conferred on him by this Act or the regulations.

Inspection and inquiry.

10. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories, museum, workshop, and equipments of any college, institution or centre maintained, or affiliated to, the University, and also of the teaching, and other work conducted by the University and of the conduct of examination held by the University; and to cause an inquiry to be made in like manner, in respect of any matter connected with the administration, academic affairs and finances of the University.

(2) The Chancellor shall in every case give notice to the University of its intention to cause an inspection or an inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Chancellor shall communicate to the University his view with reference to results of such inspection or inquiry and advise the University the action to be taken in the matter.

(4) Where the University does not, within the reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may issue such direction to the University as he thinks fit and the University shall comply with such direction.

(5) The State Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner prescribed in sub-sections (1) to (3) and shall have, for the purposes of such inspection and inquiry, all the powers of the Chancellor under the said sub-sections.

Vice-Chancellor.

11. (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by a Committee appointed for the purpose under sub-section (2).

(2) (a) The Chancellor, for the purpose of sub-section (1) shall appoint a committee which shall consist of the following members, namely:-

- (i) two members to be nominated by the State Government, who shall be eminent technologists and educationists not connected with the University;
- (ii) one member, to be nominated by the All India Council of Technical Education; and
- (iii) one member, to be nominated of the University Grants Commission;

(b) The Chancellor shall appoint one of the members of the committee as its Chairman.

(3) The committee so appointed under sub-section (2) shall within such time and in such manner as directed by the State Government, select three persons whom it considers fit for being appointed as a Vice-Chancellor and shall recommend to the Chancellor the names of the persons so selected together with such other particulars it deems fit.

(4) The person to be appointed as Vice-Chancellor shall,-

- (i) be an eminent educationist, technologist, administrator industrialist having vision for human resource development,
- (ii) have been associated with Gujarat in terms of development, education, philanthropy, industrial or business development or exemplary administration in the services of the State, Corporation or the public bodies.
- (iii) not have attained the age of 65 years on the date of nomination or re-nomination.

(5) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for re-nomination to that office for a further term of three years only.

(6) The emoluments and other terms and conditions for the Vice-Chancellor shall be such as may be determined by the State Government.

(7) Whenever a temporary vacancy occurs in the office of the Vice-Chancellor and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1), one of the Directors nominated by the Chancellor shall carry on the current duties of the office of the Vice-Chancellor.

(8) The Vice-Chancellor may resign from his office by writing under his hand addressed to the Chancellor and his resignation shall take effect from the date of acceptance by the Chancellor.

Powers of
Vice-
Chancellor.

12. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at any convocation of the University and shall preside at the meeting of the Academic Council and the Finance Committee.

(2) The Vice-Chancellor shall preside at the meeting of the Board and shall be entitled to be present with the right to speak at any meeting of any authority or body of the University. The Vice-Chancellor shall ensure that the provisions of this Act and the regulations are faithfully observed and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall,-

- (i) exercise general supervision and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;

- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chancellor.

(4) In any emergency which, in the opinion of the Vice-Chancellor requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earlier opportunity thereafter furnish information regarding his action to such authority, body or officer as would have in the ordinary courses dealt with the matter:

Provided that if such authority, body or officer is of the opinion that such action ought not to have been taken by the Vice-Chancellor, it may refer the matter to the Board which may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner as it thinks fit and there upon the action shall cease to have effect, or as the case may be, shall take effect in such modified form. However, such modification or annulment shall be without prejudice to the validity of any thing previously done by or under the order of the Vice-Chancellor.

(5) Where the exercise of the powers by the Vice-Chancellor under subsection (4) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with provision of this Act and the regulations not later than six months from the date of the order of the Vice-Chancellor, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of the order of the Vice-Chancellor.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

Authorities of University. 13. The following shall be the authorities of the University, namely:-

- (i) the Board of Governors,
- (ii) the Academic Council,
- (iii) the Finance Committee, and
- (iv) such other bodies of the University as may be declared by the regulations, to be the authorities of the University.

Officers of University. 14. The following shall be the officers of the University, namely :-

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Directors,
- (iv) the Deans,
- (v) the Registrar, and
- (vi) such other persons in the service of the University as may be declared by the regulations, to be the officers of the University.

Board of Governors. 15. (1) The Board of Governors shall be the supreme authority of the University.

(2) The Board of Governors shall consist of the following members, namely:-

- (i) the Vice-Chancellor, who shall be the Chairman of the Board,
- (ii) one Director, by rotation, to be nominated by the Vice-Chancellor,
- (iii) one Dean, by rotation, to be nominated by the Vice-Chancellor,

- (iv) the Secretary to Government (Higher and Technical Education), Education Department, Government of Gujarat, *ex-officio*,
 - (v) the Secretary to Government, Finance Department, Government of Gujarat, *ex-officio*,
 - (vi) the Commissioner, Higher Education, Gujarat State, *ex-officio*,
 - (viii) two experts academicians, to be nominated by the Board,
 - (ix) the Commissioner or the Director of Technical Education, Gujarat State, *ex-officio*,
 - (x) two experts representing disciplines such as finance, legal, management and humanities, to be nominated by the Board, and
 - (xi) three experts representing different industries, to be nominated by the Board.
- (3) The Registrar shall be the Secretary of the Board.
- 16.** (1) The Chairman shall preside at the meetings of the Board.
- Powers of Chairman.**
- (2) The Chairman shall exercise such other powers and perform such other functions as may be assigned to him by or under this Act or the regulations.
- 17.** (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee and other committees or authorities constituted by the University.
- Powers and functions of Board.**
- (2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely:-

- (i) to take decision on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve the annual report and the annual budget of the University for every financial year;
- (v) to invest moneys and funds of the University and to take decision on the recommendation of the Finance Committee;
- (vi) to publish or finance the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sell or arrange for the sale as it may deem fit;
- (vii) to create or abolish posts of teachers and officers and employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint the Directors of the School of Studies of the University;
- (x) to delegate any of its powers to the Directors, Deans, Registrar or any other officers, employee or any authority of the University or to a committee appointed by it; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and such other powers for achieving the objects of the University.

18. (1) Save as otherwise provided in this section, the term of a nominated member of the Board shall be three years from the date of his nomination.

Term of office
and vacancies
among members
of Board.

(2) The *ex-officio* member shall continue to be a member so long as he holds the office by virtue of which he is the member of the Board.

(3) Any vacancy in the Board occurring before the next reconstruction or before the expiry of the prescribed period shall be filled in the same manner as provided in section 15 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(4) A member shall be eligible for re-nomination for the next term.

(5) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

19. (1) The Academic Council of the University shall consist of the following members, namely:-

Academic
Council.

- (i) the Vice-Chancellor, who shall be the Chairman of the Academic Council;
- (ii) two academicians or professionals, to be nominated by the Board;
- (iii) two academicians or professionals in the fields of science, engineering, technology or management to be nominated by the Board;
- (iv) two Directors, by rotation, to be nominated by the Vice-Chancellor;
- (v) two Deans, by rotation, to be nominated by the Vice-Chancellor;
and

- (vi) one Professor from each discipline of the University, by rotation, to be nominated by the Vice-Chancellor.
- (2) The Registrar shall be the Secretary of the Council.
- (3) The term of office of the members shall be three years.

Powers and functions of Academic Council.

20. Subject to the provisions of this Act and the regulations, the Academic Council shall exercise following powers and perform the following functions, namely:-

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Finance Committee.

21. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor, who shall be the Chairman of the Committee;
- (ii) one member of the Board, to be nominated by the Vice-Chancellor;
- (iii) one Director, by rotation, to be nominated by the Vice-Chancellor; and

(iv) one expert in the field of finance, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Committee.

(3) The term of office of the members shall be three years.

22. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

Powers and
functions of
Finance
Committee.

- (i) to examine the annual account and annual budget estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendation to the Board on all financial policy matters of the University;
- (iv) to make recommendation to the Board on all proposals involving raising of funds, receipts and expenditures;
- (v) to provide guideline for investment of surplus funds;
- (vi) to make recommendation to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

23. (1) The Directors shall be appointed by the Vice-Chancellor, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

Directors.

(2) The Directors shall assist the Vice-Chancellor in managing the academic, administrative and other affairs of the colleges or centres and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Vice-Chancellor.

Deans. 24. (1) The Deans shall be appointed by the Vice-Chancellor, from amongst the Faculties of the University.

(2) The Deans shall assist the Vice-Chancellor and the respective Directors in managing the academic and other affairs of the University, colleges and centres and shall exercise such powers and perform such function as may be prescribed or entrusted to them by the Vice-Chancellor and the Director.

Registrar. 25. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall,-

- (i) be responsible for the custody of records, common seal, the funds of the University and such other properties of the University;
- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Vice-Chancellor for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct of the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;

- (vi) verify and sign the pleadings in all suits and other legal proceeding by or against the University and all processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or by the Vice-Chancellor.

26. (1) A college or institution applying for affiliation to the University shall submit an application to the Registrar one year prior to the proposed date of starting the college:

Affiliation.

Provided that on the recommendation of the Vice-Chancellor, the Board may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain an application for affiliation not submitted to the Registrar within the aforesaid period.

- (2) Any college or institution applying for affiliation shall apply in such form alongwith such fees, in such manner and shall fulfill such norms and criteria as may be prescribed before applying for affiliation.
- (3) On receipt of an application made under sub-section (1), the Board shall, in consultation with the Academic Council and after giving to the college or the institution an opportunity of stating its case, determine whether the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other college in the neighborhood and the suitability of the locality where the college is to be established and comply with the provision of the Act and the regulations, record its opinion as to whether the application should be granted or refused either in whole or in part and communicate the decision to the college.

(4) Where an application for affiliation or any part thereof is granted, the order of the Board shall specify the courses of the instructions in respect of which the college is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded and shall be communicated to the college.

(5) Any college of institution not satisfied with the decision of the Board under sub-section (4), may prefer an appeal to the State Government within sixty days from the date of communication of such decision or order and the decision of the State Government on such appeal shall be final.

Extension of affiliation. 27. Where an affiliated college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 26, shall as far as possible, be followed.

Inspection of colleges and report. 28. (1) Every affiliated college shall furnish such reports, returns and other information as the Board after consulting the Academic Council may require in order to judge the efficiency of such college.

(2) The Board shall cause every such college to be inspected from time to time by the inspection committee consisting of the Director who shall be the Chairman and such other members, as may be appointed by the Board in accordance with the regulations.

(3) It shall be the duty of the inspection committee on the direction by the Board in this behalf, to inspect an affiliated college, and make a report to the Board.

(4) The Board may call upon the college so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in section 26.

Withdrawal of affiliation. 29. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the

provisions of section 26 or the regulations or has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Board. The member of the Board who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking such motion into consideration, the Board shall send a copy of the notice and written statement referred to in sub-section (2), to the principal of the college concerned, together with intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Board:

Provided that the period so specified may, if necessary, be extended by the Board.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Board after considering the notice of motion, statement and the representation, and after such inspection by any competent person or persons authorized by the Board in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall by a resolution on the grounds stated therein, withdraw in whole or in part, or modify, the rights conferred by the affiliation and shall communicate to the concerned college:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the rights conferred by affiliation are not acceptable to the Board, it shall, before passing such resolution, refer the matter again to the Academic Council, with or without its comments and the Academic Council shall communicate again its views in the matter to the Board.

**Appeal
against
withdrawal
of affiliation.**

30. Any college aggrieved by the resolution withdrawing wholly or partly or modifying the rights conferred by affiliation passed under sub-section (4) of section 29, may make an appeal to the State Government within sixty days from the date of communication of the resolution and the decision of the State Government on such appeal shall be final.

**Withholding
or reduction
of grant to an
affiliated
college.**

31. The Board may, on recommendation of the Academic Council, recommend to the State Government withholding or reduction of grant to an affiliated college which on a report by an inspection committee or otherwise, is found to be making persistent default in carrying out the conditions of affiliation.

**Post-graduate
teaching.**

32. All the post-graduate instructions, teaching and training shall be conducted by the University or by the affiliated colleges in such subjects as may be prescribed and recognized by the University.

CHAPTER IV

SUPPLEMENTARY PROVISIONS

**Fund of
University**

33. (1) The University shall establish a fund to be called the University Fund consisting of,-

- (i) any contribution or grant or loan by the State Government and the Central Government;
- (ii) the income of the University from all sources including income from fees and charges;
- (iii) bequest, donations, gifts, endowments and other grants, if any;
- (iv) the moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding between the University and the industry, for establishment of sponsored chairs, fellowship and infrastructure facilities of the university.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the finance committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its power and discharge of its functions by or under this Act.

34. (1) The University shall maintain proper account and other relevant records and prepare an annual statement of accounts, including income and expenditure account and the balance sheet in such form and in such manner as may be prescribed.

Accounts
and audit.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be the Chartered Accountant, as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountant, to be appointed by the Board.

(4) The accounts of the University certified by the Chartered Accountant or firm so appointed or any other person authorized in this behalf, together with audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect therefor as it deems fit and the University shall comply with such instructions.

(5) An internal auditor shall audit the accounts of the University to ensure concurrent audit of all books of accounts and such periodical internal audit report shall be placed before the Board for review.

Submission of annual report.

35. (1) The University shall prepare for each financial year an annual report for each financial year containing such particulars as the Board may specify and shall submit to the Board on or before such date may be prescribed. The Board shall consider such report and may pass resolutions thereon and thereupon the Finance Committee shall take action in accordance with such resolution. The action taken by the Financial Committee on such resolution and if no action is taken, the reasons for taking no action shall be communicated to the Board.

(2) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

Pension and Provident Fund and insurance.

36. (1) The University shall, with approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit of the officers, teachers and employees of the University.

19 of 1925.

(2) Where any such provident fund has been so constituted, the provision for the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

XIX of 1925.

Acts and proceedings not to be invalidated by vacancies.

37. No act or proceeding of the Board or any Authority of the university or any committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, Authority or committee of the University.

Conferment of degrees, diplomas and grant of certificates by University.

38. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer honorary degrees and other academic distinctions and titles as approved by the Board.

39. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements, documents and other information, as may be required by them from time to time.

Returns and information.

40. Every officer, teachers and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the

Officers and employees to be public servants.

45 of 1860. Indian Penal Code.

Explanation.- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or who received any remuneration by the way of compensatory allowances or fee for any work done from the University fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

41. (1) No officer or employee or member of teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Dismissal, removal, reduction and termination of service of staff of University.

Provided that nothing in this section shall apply to any person who is appointed on purely temporary basis only.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall lie to the Vice-Chancellor within sixty days from the date of communication of such order and the decision of the Vice-Chancellor in such appeal shall be final.

42. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulation and under any other law for the time being in force and the University shall comply with such directions.

Power of State Government to give directions.

Power to make regulations. 43. (1) Subject to the provisions of this Act, the Board shall have in addition to all other powers vested in it, the powers to make regulations to provide for administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board and the quorum and conduct of business at such meeting;
- (ii) the powers and functions to be exercised and discharged by the Vice-Chancellor and the Chairman;
- (iii) the constitution, powers and duties of the authorities, bodies and other committee of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and the removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or the other body constituted under this Act or by the regulations in the conduct of the business, exercise of the powers and discharge of its functions;
- (v) the procedure and the criteria to be followed in establishment of courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the diplomas, the degree, the certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellations of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;

- (ix) the conduct of examination including the term of office and appointment of examiners;
- (x) the creation of the posts of Directors, Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University; and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges, which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitutions of insurance, pensions and provident funds and such other schemes for the benefits of officers, teachers and employees of the University;
- (xiii) the terms and conditions for associations of the University with other institutions;
- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of executing of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice-Chancellor, Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers, employees of the University;
- (xix) the power and duties of Vice-Chancellor, Director and other officers, teachers and employees of the University;

- (xx) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board;
- (xxii) the matter relating hostels and halls of residence and housing for faculty, officers and employees of the University and guest house including the disciplinary control therein; and
- (xxiii) all matters which by this Act are to be or may be prescribed.

Indemnity. 44. No suit, prosecutions or other legal proceedings shall lie against and no damage shall be claimed from the University, the Vice-Chancellor, the Director, the authorities or officers or employees of the University or any person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulation made there under.

Power to remove difficulties. 45. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removal difficulties:

Provided that no such order shall be made under this section after the expiry of two years for the date of commencement of this Act.

(2) Every order made under this section shall be laid as on as may be after it is made before the State Legislature.

CHAPTER V

TRANSITORY PROVISIONS

Completion of courses of students in colleges affiliated to other Universities. 46. Notwithstanding anything contained in this Act or the regulations, any student of a college or institution affiliated to other University, who immediately before the date of affiliation to the University, was studying or was eligible for any examination of the other Universities shall be permitted to complete his course in preparation therefor and the University shall provide

for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students in accordance with the course of studies of the other University.

47. Notwithstanding anything contained in section 11, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after coming into force of this Act for a period not exceeding one year on such terms and conditions as it may think fit.

Appointment
of first Vice-
Chancellor.

48. Notwithstanding anything contained in section 25, the first Registrar shall be appointed by the State Government as soon as practicable after coming into force of this Act for a period not exceeding one year on such terms and conditions as it may think fit.

Appointment of
first Registrar.

49. (1) It shall be the duty of the first Vice-Chancellor, -

Transitory
power of first
Vice-Chancellor.

- (a) to give affiliation to the college or institution, if any, as far as possible consistently with the provisions of section 26;
 - (b) to make arrangements for constituting the Academic Council, the Finance Committee and other authorities of the University; and
 - (c) to frame first regulations and submit it to the respective authority for confirmation when it commences to exercise its functions.
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(C)



The Gujarat Government Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Vol. XLVIII] WEDNESDAY, MAY 16, 2007/VAISAKHA 26, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The Following Act of the Gujarat Legislature, having been assented to by the Governor on the 16th May, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 16th May, 2007).

AN ACT

to provide for the establishment of the Kadi Sarva Vishwavidyalaya, Gandhinagar, Gujarat by law and to confer the status of a non-affiliating University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

(1) This Act may be called the Kadi Sarva Vishwavidyalaya Act, 2007.

Short title and commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Academic Council" means the Academic Council of the University constituted under section 16;
- (b) "Board" means the Board of Governors of the University constituted under section 12;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Director" means the Director of the University appointed under section 20;
- (e) "Deans" mean the Deans of the University appointed under section 22;
- (f) "Finance Committee" means Finance Committee of the University constituted under section 18;
- (g) "President" means the President of the University appointed under section 8;
- (h) "prescribed" means prescribed by the Regulations;
- (i) "Registrar" means the Registrar of the University appointed under section 23;
- (j) "Regulations" means the regulations of the University made under section 36;
- (k) "Schedule" means the Schedule appended to this Act;
- (l) "Trust" means the Sarva Vidyalaya Kelavani Mandal, Kadi registered under the Bombay Public Trusts Act, 1950;
- (m) "University" means the Kadi Sarva Vishwavidyalaya, a University established under section 3.

Bom. 29 of
1950.

CHAPTER II UNIVERSITY

Establishment
and
incorporation
of University.

3. (1) There shall be established a University by the name of "the Kadi Sarva Vishwavidyalaya, Gandhinagar, Gujarat".

(2) The President, the Board, the Academic Council, the Director, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, are hereby constitute a body corporate by the name of "the Kadi Sarva Vishwavidyalaya, Gandhinagar, Gujarat".

(3) The University shall function as a non-affiliating University and it shall not affiliate any other college or institute for the conferment of degree, diploma and grant certificate to the students admitted therein.

(4) The colleges and institutions specified in the Schedule, affiliated to and enjoying the privileges of the Gujarat University immediately before the commencement of this Act shall cease to be affiliated from the Gujarat University and shall be deemed to be withdrawn from such privileges from the date of commencement of this Act and shall be deemed to be admitted to the privileges of the University, and all such colleges and institutions shall be the constituents colleges and institutions of the University.

(5) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provision of this Act, to acquire and hold property, to contract and shall, by the said name, sue or be sued.

(6) The University shall not receive any grant-in-aid or other financial assistance from the State Government or the Central Government.

4. The headquarters of the University shall be at Gandhinagar, Gujarat. Headquarters
of University.

5. The objects of the University shall be to develop the knowledge of science, technology, dental, medical, paramedical, physiotherapy, pharmacy, commerce, education, management, computers and humanities for the advancement of mankind. The objects of the University shall be as follows, namely:-

- (i) to disseminate, create and preserve knowledge and understanding by teaching, research, training and extension activities by effective demonstration and influence of its corporate life on society in general;
- (ii) to create centres of excellence for providing knowledge, education, training and research facilities of high order in the field of science, technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, education, management, computers, humanities and other related professional education and such other related matters as may develop in future, including continuing education and distance learning;
- (iii) to develop patterns of teaching for a certificate, diploma and degree of Graduate and Post-graduate courses and at Doctoral level and to maintain a high standard of education, its applications, to create capabilities for upgrading science and technology, dental, medical, physiotherapy, paramedical, pharmacy, commerce, education, management, computers humanities and technology infrastructure to the global standards;
- (iv) to develop training facilities and to make arrangements for training in higher education, professional education, and allied fields, to provide for inter-relationship for national and global participation, in the field of science and technology, dental,

Objects of
University.

- medical, physiotherapy paramedical, pharmacy, commerce, education, management, computers and its allied fields of humanities and social concerns;
- (v) to function as a learning resource centre;
- (vi) to provide for arrangement for national and global participation in the field of higher and professional education including technical education, science and technology, dental, medical, physiotherapy paramedical, pharmacy, commerce, education, management, computers and its allied fields of humanities and social concerns; and
- (vii) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at national and global level.

University open to all irrespective of sex, religion, class, creed or opinion.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.
- (2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

Powers and functions of University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and such centres within the University campus for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training, research in such branches of knowledge or learning pertaining to science, technology, dental, medical, physiotherapy, pharmacy, commerce, education, management, computers, humanities and allied areas and for advancement and dissemination of science and technology and the allied areas;
- (iii) to conduct innovative experiments in new teaching and learning methods and technologies in the field of science and technology, dental, medical, physiotherapy, pharmacy, commerce, management, computers and allied areas in order to achieve international standards of such education, training and research;

- (iv) to prescribe courses of study and curricula and provide for flexibility in the education system and delivery methodologies including electronic and distance learning;
- (v) to hold examinations through electronic mode also and confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the prescribed manner;
- (vi) to confer honorary degrees or other distinctions in the prescribed manner;
- (vii) to establish such special centres, specialized study centres or other units within the University campus for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other works and to organize exhibitions, workshops, seminars and conferences;
- (ix) to sponsor and undertake research in all aspects of science, technology, dental, medical, physiotherapy, pharmacy, commerce, education, management, computers and humanities and allied areas;
- (x) to collaborate or associate with, advise, administer, control, develop and maintain with other Universities or any educational institution with like or similar objects;
- (xi) to develop and maintain linkages with educational or other institutions having objects wholly or partially similar to those of the University, through exchange of teachers, students and scholars, and generally in such manner as may be conducive to their common objects;
- (xii) to develop and maintain relationships with teachers, researchers and domain experts in science, technology, dental, medical, physiotherapy, pharmacy, commerce, education, management, humanities and allied areas for achieving the objects of the University;
- (xiii) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;
- (xiv) to receive funds from industry, national and international organizations or any other source as gifts, donations, benefactions or bequests by transfers of movable and immovable properties for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students;

- (xvi) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges in accordance with the guidelines of the State Government or National Statutory bodies;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, to repay and redeem any money borrowed;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic, technical, administrative, ministerial and other posts, to prescribe qualifications therefor and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;

- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lecturerships and any other teaching, academic or research posts and to prescribe qualifications for the persons to be appointed on such posts;
- (xxix) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or as teachers and researchers of the University;
- (xxx) to delegate all or any of its powers (except the power to make regulations) to any other officer or authority of the University; and
- (xxxi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

CHAPTER III

AUTHORITIES OF UNIVERSITY

8. (1) The President of the University shall be appointed by the President Trust.

(2) The President shall hold office for a period of three years from the date of appointment and shall be eligible for re-nomination.

(3) The other terms and conditions of the President shall be such as may be determined by the Trust.

(4) Where a vacancy in the office of the President occurs on account of death, resignation or otherwise, the Trust shall immediately appoint suitable person to be the President of the University.

(5) The President may resign from his office by writing under his hand addressed to the Managing Trustee of the Trust and such resignation shall take effect from the date of acceptance by the Trust.

9. (1) The President shall have all the powers necessary for the purpose of ensuring the implementation of the provisions of the Act and the regulations made thereunder.

Powers of President.

(2) The President shall be entitled to be present and with the right to speak at any meeting of any authority or body of the University.

(3) The President shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or centre maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause

an enquiry to be made in like manner and in respect of any matter connected with the administration and finances of the University.

Authorities of University. 10. The following shall be the authorities of the University, namely :-

- (a) the Board of Governors,
- (b) the Academic Council,
- (c) the Finance Committee, and
- (d) such other Authorities as may be declared by the regulations to be the authorities of the University.

Officers of University. 11. The following shall be the officers of the University, namely:-

- (a) the President,
- (b) the Director,
- (c) the Deans,
- (d) the Registrar, and
- (e) such other officers in the services of the University as may be declared by the Regulations to be the officers of the University.

Board of Governors. 12. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) the President, who shall be the Chairman of the Board;
- (ii) two representatives of the Executive Committee of the Trust;
- (iii) the Director of the University;
- (iv) two Deans of the University, by rotation, to be nominated by the Director;
- (v) the Secretary to Government (Higher and Technical Education), Education Department, Government of Gujarat, *ex-officio*;
- (vi) three experts representing other disciplines such as finance, legal, management, humanities, to be nominated by the President; and
- (vii) two representatives of the Industries, to be nominated by the President.

(2) The Registrar shall be the Secretary of the Board.

Powers of Chairman. 13. (1) The Chairman shall preside over at the meetings of the Board and at the convocations of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Regulations.

14. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all the powers to review the acts of the Academic Council and the Finance Committee and any other committee or authority constituted by the University and of the officers of the University.

Powers and functions of Board.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on question of policy relating to the academic and administrative matters and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to make Regulations;
- (iv) to consider and approve the annual report and the annual statement of accounts of the University for every financial year and to appoint auditor;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of the Finance Committee;
- (vi) to publish or finance the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sell or arrange for the sale of the same as it may deem fit;
- (vii) to create or abolish posts of teachers and other officers and employees of the University;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to delegate any of its powers to the Director, Dean, Registrar, or any other officer, employee or authority of the University or to a committee appointed by it; and
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the Regulations and all such other powers for achieving the objects of the University.

15. (1) The term of the nominated member of the Board shall be three years from the date of his nomination.

Terms of office and vacancies among members of Board.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is the member of the Board.

(3) Any vacancy in the Board occurring before the reconstitution or before the expiry of the prescribed period shall be filled in the same manner as provided in section 12 and such member shall hold office for the remainder of the term of a member, in whose place he is nominated.

(4) A member shall be eligible for re-nomination for the next term.

(5) A member may resign his office by writing under his hand, addressed to the President and his resignation shall take effect on the date it is accepted by the President.

Academic Council. 16. (1) The Academic Council of the University shall consist of the following members, namely:-

- (i) the Director of the University, who shall be the Chairman of the Academic Council;
- (ii) two academician or professional, to be nominated by the Board;
- (iii) two external academician or professional in the fields of education imparting by the University, to be nominated by the Director;
- (iv) two deans, by rotation to be nominated by the Director; and
- (v) one Professor from each discipline of the University, by rotation to be nominated by the Director.

(2) The Registrar shall be the Secretary of the Council,

(3) The term of office of the members shall be three years.

Powers and duties of Academic Council. 17. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and duties, namely:-

- (i) to exercise control over the academic policies of the University and shall be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the Faculty of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board such Regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations or by the Board.

18. (1) The Finance Committee shall consist of the following members, namely :-

Finance Committee.

- (i) the Director who shall be the Chairman of the Committee;
- (ii) one member of the Board to be nominated by the President;
- (iii) one Dean, by rotation to be nominated by the Director; and
- (iv) one expert in the field of finance to be nominated by the President.

(2) The Registrar shall be the Secretary of the Committee.

(3) The term of office of the members shall be three years.

19. Subject to the provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

Powers and functions of Finance Committee.

- (i) to examine the annual accounts and annual budget estimates of the University and make recommendation to the Board thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all the proposals relating to revision of pay scales, upgradation of the scales and emoluments of officers and employees of the University and all those items which are not included in the budget, prior to placing before the Board; and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Regulations or by the Board.

20. (1) (a) The Director shall be appointed by the Board out of the panel of names recommended by the committee consisting of the following members to be nominated by the President, namely:-

Director.

- (i) an eminent technologist;
- (ii) an eminent educationist; and
- (iii) one member of the Board.

(b) The President shall designate one of the members of the Search Committee to be the Chairman of the Committee.

(2) The term of office of the Director shall be determined by the Board for a period of five years.

(3) Where a vacancy in the office of the Director occurs and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1) and if there is any emergency, the President, in consultation with the Board may appoint any suitable person to be the Director and may, from time to time extend the term for a period not exceeding one year.

(4) The terms and conditions of the service of the Director shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the President.

Powers and duties of Director.

21. (1) The Director shall be the Chief Executive and Academic Officer of the University. He shall preside over at the meetings of the Academic Council and Finance Committee.

(2) The Director shall -

- (i) exercise general superintendence and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the Regulations or as may be delegated to him by the Board or by the President.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or Authority or body of the University empowered under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the Chairman or authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or the body is of the opinion that such action ought not to have been taken by the Director, it may refer the matter to the Chairman who may either confirm the action taken by the Director or annul the same or modify it in such manner as he thinks fit and thereupon it shall cease to have effect or, as the case may be, shall take effect in such modified form, so however such modification or annulment

shall be without prejudice to the validity of anything previously done by or under the orders of the Director.

(4) Where the exercise of the power by the Director under sub-section (3) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the regulations, not later than three months from the date of order of the Director, otherwise the same shall cease to have effect on the expiration of a period of six months from the date of order of the Director.

22. (1) The Deans of the University shall be appointed by Deans, the Director, with the approval of the Chairman, from amongst the faculty of the University.

(2) The Deans shall assist the Director in managing the academic and other affairs of the University and shall exercise such powers and perform such functions as may be prescribed or to be entrusted to them by the Director.

23. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall exercise the following powers and perform following duties, namely:-

- (i) He shall be responsible for the custody of records, common seal, the funds of the University and such other properties of the University;
- (ii) He shall place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) He shall be responsible to the Director for the proper discharge of his functions;
- (iv) He shall be responsible for the administration and services of the University and conducting the examination and make all other arrangements necessary thereof and be responsible for the execution of the processes connected therewith;
- (v) He shall attest and execute all documents on behalf of the University;
- (vi) He shall verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) He shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the Regulations or as may be delegated to him by the Board or the Director.

CHAPTER IV

FUNDS, ACCOUNTS AND AUDIT

Permanent Endowment Fund of University. 24. The Trust shall place funds at the disposal of the University to be called the Permanent Endowment Fund of a sum of ten crores of rupees or such sum required for meeting the full operational expenditure of the University for three years whichever is more, in long term interest bearing securities issued or guaranteed by the Central Government or the State Government. On the termination of the involvement of the Trust and after meeting the operational expenditure for three years out of the Permanent Endowment Fund, if there is any unused balance that shall be paid back to the Trust.

Payment to University. 25. The Trust shall pay to the University from time to time such sums of moneys and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

Funds of University. 26. (1) The University shall have its own funds consisting of –
 (i) all moneys provided by the trust;
 (ii) all fees and other charges received by the University;
 (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests or transfers;
 (iv) all moneys received by the University from the collaborating Industry, in terms of the provisions of the Memorandum of Understanding between the University and the Industry for establishment of sponsored chairs, fellowships and infrastructure facilities of the University; and
 (v) all moneys received by the University in any other manner or from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its function.

Accounts and Audit. 27. (1) The University shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be prescribed.

XXXVIII of 1949.

(3) The accounts of the University shall be audited every year by an auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountants to be appointed by the Board.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accounts appointed by the Board, to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each year a report of its activities of the previous year and submit it in the form of an annual report to the Board for review and approval.

28. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions, as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit and also aid in establishment and support of the associations, institutions, funds, trust and conveyance calculated to the benefit of the officers, teachers and employees of the University.

Pension,
Provident
Fund and
Insurance.

XIX of 1925. (2) Where any such provident fund has been so constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

CHAPTER V

SUPPLEMENTARY PROVISIONS

29. No act or proceeding of the Board, or any authority of the University or any committee constituted under this Act or by the Regulations shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of, the Board, Authority or Committee of the University.

Acts and
proceedings not
to be
invalidated by
vacancies.

30. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, honorary degrees, diplomas and other academic distinctions, titles and grant certificates as approved by the Board.

Conferment of
degrees, diplomas
and grant of
certificate by
University.

31. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns,

Returns and
information.

statements and other information as may be required by them from time to time.

Management of University on dissolution of Trust. 32. The Trust shall give a notice of not less than four years period to the State Government of its intention to dissolve the Trust. The State Government may direct the University to cease fresh admissions and also direct the Trust to phase out the responsibility of running the University until the last batches of students in regular courses of the University complete their courses. It shall be obligatory on the part of the Trust not to compromise in terms of the quality of education and training in the interim years and provide reasonable exit benefits for the employees.

Officers and employees to be public servants. 33. Every officer, teacher and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation.- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

Dismissal, removal, reduction and termination of service of staff of University. 34. (1) No member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal from an order of dismissal, removal or reduction under sub-section (1) or of termination shall lie to the President within ninety days from the date of communication of such order and the decision of the President in such appeal shall be final.

CHAPTER VI MISCELLANEOUS PROVISIONS

Powers of State Government to give directions. 35. The State Government shall have powers to issue directions to the University from time to time as may be required for the compliance of the provisions of this Act, the Regulations and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power to make Regulations. 36. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make Regulations to provide for the administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such Regulations may provide for all or any of the following matters, namely :-

- (i) the summoning and holding of meetings of the authorities of the University other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the powers and functions to be exercised and discharged by the President of the Board of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board and any committee or other body constituted under this Act or by the Regulations in the conduct of the business, exercise of the powers and discharge of the functions;
- (v) the procedure and criteria to be followed in establishing courses of study and admission of students;
- (vi) the procedure to be followed for enforcing discipline in the University;
- (vii) the management of the properties of the University;
- (viii) the degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (ix) the conduct of examinations including term of office and appointment of examiners;
- (x) the creation of posts of Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University and the appointment of persons to such posts including the qualifications requisite therefor;
- (xi) the fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of pension, provident funds, insurance and such other schemes for the benefit of officers, teachers and other employees of the University;
- (xiii) the terms and conditions applicable for association of the University with other institutions;

- (xiv) the preparation of budget estimates and maintenance of accounts;
- (xv) the mode of execution of contracts or agreement by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of officers and staff of the university;
- (xix) the powers and duties of the Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowship, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and decisions of the Board;
- (xxii) the matters relating to hostels and halls of residence including disciplinary control therein; and
- (xxiii) all matters which, by this Act, are to be or may be prescribed by the Regulations.

Indemnity 37. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the University, the Director, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any Regulation made thereunder.

CHAPTER VII TRANSITORY PROVISIONS

Transitory provisions. 38. Notwithstanding anything contained in this Act,-

- (i) the Chairman of the Trust holding the post as such immediately before the commencement of this Act shall be the first President of the University,
- (ii) one of the trustees nominated by the Trust shall be the first Director of the University;
- (iii) the first Director may, with the prior approval of the President and subject to the availability of the funds, discharge all or any part of the functions of the University for the purpose of carrying out the provisions of this Act and for that purpose, may exercise the powers and perform the duties which by or under this Act are required to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act. The Trust shall review and monitor such actions taken by the Director.

39. Notwithstanding anything contained in this Act or the Regulations, any student of the Colleges or Institutions specified in the Schedule, situated within the University area and affiliated to the Gujarat University who immediately before the commencement of this Act was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefore, and the University shall provide for such period and in such manner as may be prescribed for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Gujarat University.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

SCHEDULE

(See sub-section (4) of section 3 and section 39)

COLLEGES / INSTITUTIONS AFFILIATED TO THE GUJARAT UNIVERSITY

Sr. No.	Name of the Colleges / Institutions	Courses being offered
1.	K. B. Institute of Pharmaceutical Education and Research and D.R. Patel Centre for Advanced Studies in Pharmaceutical Biotechnology, Gandhinagar.	B. Pharm. and M. Pharm
2.	S.K. Patel Institute of Management and Computer Studies, Gandhinagar.	M.B.A. and M.C.A.
3.	Bholabhai Patel College of Business Administration, Gandhinagar.	B.B.A.
4.	Bholabhai Patel College of Computer Studies, Gandhinagar.	B.C.A.
5.	Ashvinbhai A. Patel Commerce College, Gandhinagar.	B.Com.
6.	Shardaben Shantibhai Patel College of Education, Gandhinagar.	B.Ed. (Gujarati Medium)
7.	R.H. Patel English Medium B.Ed. College, Gandhinagar.	B.Ed. (English Medium)

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The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XLVIII | MONDAY, JULY 30, 2007/SRAVANA 8, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The Following Act of the Gujarat Legislature, having been assented to by the Governor on the 27th July, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th July, 2007).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Second Amendment) Act, 2007.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LIX
of 1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the principal Act"), in section 2, clause (42) shall be deleted.

Amendment of
section 2 of Bom.
LIX of 1949.Amendment
of section
127 of Bom.
LIX of 1949.

3. In the principal Act, in section 127, in sub-section (2), -

- (i) clause (a) shall be deleted;
- (ii) in clause (f), after the words "to any entertainment", the words "or octroi" shall be inserted.

Amendment
of section
128 of Bom.
LIX of 1949.

4. In the principal Act, in section 128, in clause (5), the words "octroi and" shall be deleted.

Deletion of
sections 146
and 147 of
Bom. LIX
of 1949.

5. In the principal Act, sections 146 and 147 with the heading shall be deleted.

Amendment
of section 398
of Bom. LIX
of 1949.

6. In the principal Act, in section 398,-

- (i) the words "or octroi", wherever they occur, shall be deleted;
- (ii) in the marginal note, the word "octroi or" shall be deleted.

Amendment
of section 466
of Bom. LIX
of 1949.

7. In the principal Act, in section 466, in sub-section (1), in clause (A), -

- (i) in sub-clauses (a) and (b), the words "octroi and" shall be deleted;
- (ii) sub-clauses (c), (e), (f) and (g) shall be deleted.

Amendment
of Schedule
A to Bom.
LIX of 1949.

8. In the principal Act, in Schedule A, -

- (1) in Chapter VIII, -

- (a) in the heading "Special provisions relating to octroi and Tolls", the words "octroi and" shall be deleted;
- (b) rules 26, 28, 29 and 33 shall be deleted;
- (c) in rule 35, -
 - (i) for the words "octroi and tolls", the word "tolls" shall be substituted;
 - (ii) in the marginal note, the words "octroi and" shall be deleted;
- (d) in rule 49, -
 - (i) the words "octroi or", wherever they occur, shall be deleted;
 - (ii) in sub-rule (1), for the words "non-payment" of any octroi or any toll on demand by any person authorised in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable,

or", the words "non-payment of any toll on demand by any person authorised in this behalf by the Commissioner, such person may seize any goods," shall be substituted;

(iii) in sub-rule (4), for the word "octroi", the word "toll" shall be substituted;

(iv) in the marginal note, the words "octroi or" shall be deleted;

(e) in rule 53, in sub-rule (1), the words "octroi or" shall be deleted;

(f) in rule 62, -

(i) for the word "octroi", the word "toll" shall be substituted;

(ii) in the marginal note, the words "octroi or" shall be deleted.

(2) in Chapter XIX, under the heading Chapter VIII, the figures, brackets and words "29(1), 29(2) One hundred rupees" shall be deleted.

9. Notwithstanding the amendments made in the principal Act by this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to such amendments as if the amendments had been the enactments within the meaning of the said section 7. Savings.

Bom. LVIII
of 1904.

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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2007.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 30th July, 2007).

AN ACT

further to amend the Bombay Police Act, 1951.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

- | | |
|---|--------------------------------------|
| <ol style="list-style-type: none"> 1. (1) This Act may be called the Bombay Police (Gujarat Amendment) Act, 2007. (2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint. | Short title and commencement. |
| <ol style="list-style-type: none"> 2. In the Bombay Police Act, 1951 (hereinafter referred to as "the principal Act"), after section 5, the following sections shall be inserted, namely : - | Bom. XXII of 1951. |
- Insertion of new sections 5A and 5B in Bom. XXII of 1951.**

**Director
General
and
Inspector
General of
Police**

"5A. (1) For the overall direction and supervision of the Police Force, the State Government shall appoint a Director General and Inspector General of Police who shall exercise such powers, perform such functions and duties and have such responsibilities and authority as may be provided by or under this Act or orders made by the State Government.

- (2) The Director General and Inspector General of Police shall be selected from a panel of officers consisting of the officers already working in the rank of the Director General of Police or of the officers in the rank of Additional Director General of Police who have been found suitable for promotion after screening by a Committee under the provisions of the All India Services Act, 1951:

Provided that the panel of officers from the rank of Additional Director General of Police shall not exceed double the number of vacant posts to be filled in the rank of Director General and Inspector General of Police in the State.

- (3) The Director General and Inspector General of Police so selected and appointed shall ordinarily have a minimum tenure of two years irrespective of his date of superannuation, subject to the relevant provisions under the All India Services Act, 1951 and the rules made there under.
- (4) The Director General and Inspector General of Police may be removed from his post before the expiry of his tenure by the State Government by an order in writing specifying the reasons thereof, consequent upon the -

(a) conviction by a court of law in a criminal offence or where charges have been framed by a court in a case involving corruption or moral turpitude; or

(b) punishment of dismissal, removal or compulsory retirement from service or of reduction to a lower post; or

(c) suspension from service; or

(d) incapability to discharge his functions as the Director General and Inspector General of Police due to physical or mental illness; or

(e) misuse or abuse of powers vested in him or for gross inefficiency and negligence or failure to provide leadership to the Police Force.

61 of 1951.

61 of 1951.

5B. (1) The Police officer on operational duties in the field viz. Inspector General of Police in a range, Deputy Inspector General of Police, Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent of Police, Sub-Divisional Police Officer and a police officer posted as an Officer in-charge of the Police Station shall ordinarily have a minimum tenure of two years on such post.

Tenure of office
of key police
functionaries.

(2) Any police officer referred to in sub-section (1) may be removed or, as the case may be, transferred from his post before the expiry of the tenure of two years consequent upon the -

- (a) conviction by a court of law, or
- (b) punishment of dismissal, removal, compulsory retirement from service or of reduction to a lower rank; or
- (c) charges having been framed by a court of law in a criminal offence; or
- (d) suspension from service; or
- (e) incapability to discharge his functions and duties due to physical or mental illness; or
- (f) misuse or abuse of powers vested in him; or
- (g) gross inefficiency and negligence where a prima facie case of a serious nature has been established after a preliminary enquiry; or
- (h) superannuation; or
- (i) promotion to a higher post; or
- (j) on his own request.”.

3. In the principal Act, after section 7, the following section shall be inserted, namely :-

Insertion of new
section 7A. in
Bom. XXII of
1951.

“7A. (1) The State Government may, having regard to the population in an area or the circumstances prevailing in such area, by an order, separate the investigating police from the law and order police wing in such area to ensure the speedier investigation, better expertise and improved rapport with the people.

Separation of
investigating
wing and law
and order wing.

(2) Such investigating police wing shall investigate the serious crimes such as offence punishable under Chapter XII, XVI, XVII of the Indian Penal Code, Offences of Terrorist Activities, Cyber Offences, Inter as of 1860. State Offences and such other offences as the State Government may, by an order, direct.

(3) The Director General and Inspector General of Police or an officer authorized by him shall co-ordinate between the Law and Order Police wing and the Investigating Police wings.”.

Insertion of
new Chapter
IIIA in Bom.
XXII of 1951.

4. In the principal Act, after Chapter III, the following Chapter shall be inserted, namely :-

“CHAPTER IIIA

STATE SECURITY COMMISSION, POLICE ESTABLISHMENT BOARD AND POLICE COMPLAINTS AUTHORITY

Establishment
and constitution
of State Security
Commission.

32A. (1) The State Government shall, by notification in the *Official Gazette*, establish a State Security Commission to exercise the powers and perform the functions as assigned to it by or under the provisions of this Chapter.

(2) The State Security Commission shall consist of the following members, namely :-

- (a) the Chief Minister of the State, *ex-officio*, who shall be the Chairperson;
- (b) the Minister in-charge of Home Department...*ex-officio*;
- (c) the Chief Secretary to the Government of Gujarat *ex-officio*;
- (d) the Secretary to the Government of Gujarat, Home Department, ... *ex-officio*;
- (e) the Director General and Inspector General of Police *ex-officio*, who shall be the Member-Secretary; and
- (g) two non-official members to be appointed by the State Government of persons having reputation for integrity and competence in the field of academia, law, public administration or media.

(3) No person shall be appointed as a member under clause (g) of sub-section (2), if he -

- (a) is not a citizen of India; or
- (b) has been convicted by a court of law or against whom charges have been framed in a court of law; or
- (c) has been dismissed or removed from service or compulsorily retired on the grounds of corruption or misconduct; or
- (d) holds an elected political office, including that of member of Parliament or State Legislature or a local body, or is an office-bearer of any political party or any organization connected with a political party; or
- (e) is of unsound mind.

(4) A non-official member appointed under clause (g) of sub-section (2) may be removed on any of the following grounds:

- (a) proven incompetence;
- (b) Proven misbehavior or misuse or abuse of powers vested to him;
- (c) failure to attend three consecutive meetings of the State Security Commission without sufficient cause;
- (d) incapacitation by reasons of physical or mental infirmity;
- (e) otherwise becoming unable to discharge his functions as a member;
- (f) conviction by a court of law in an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, 1860 or where charges have been framed by a court in a case in moral turpitude.

45 of 1860.

(5) The terms of office of the non-official members shall be for a period not exceeding three years. The other terms and conditions of such members shall be such as may be prescribed.

32B. The State Security Commission shall exercise the following powers and perform the following functions, namely :-

Functions of
State Security
Commission.

- (1) to advise the State Government on policy guidelines for promoting efficient, effective, responsive and accountable policing of Police Force in the State;
- (2) to assist the State Government in identifying performance indicators to evaluate the functioning of the Police Force. These indicators shall, *inter alia*, include the operational efficiency, public satisfaction, victim satisfaction *vis-à-vis* police investigation and response, accountability, optimum utilization of resources and observance of human rights standards;
- (3) to review periodically, the performance of the Police Force;
- (4) to suggest for the performance of the preventive tasks and service oriented functions of the Police Force;
- (5) to review and evaluate organizational performance of the police against -
 - (i) the performance indicators as identified and laid down by the Commission itself;
 - (ii) the resources available with, and constraints of the police;
- (6) to suggest policy guidelines for gathering information and statistics related to police work;

IV - EX. 24 - 2

- 2

(7) to suggest ways and means to improve the efficiency, effectiveness, accountability and responsiveness of the police; and

(8) such other functions as may be assigned to it by the State Government.

Annual Report.

32C. The State Security Commission shall, at the end of each year, prepare a report on its works during the preceding year as well as on the evaluation of performance of the Police Force and submit it to the State Government for consideration and appropriate action.

Constitution of Police Establishment Board.

32D. (1) The State Government shall, by an order, constitute a Police Establishment Board consisting of the following members, namely :-

- (1) the Director General and Inspector General of Police, *ex-officio*, who shall be the Chairman;
- (2) the Additional Director General of Police (Administration), ... *ex-officio*;
- (3) an officer not below the rank of the Deputy Secretary to Government of Gujarat, Home Department, ... *ex-officio*; and
- (4) an officer not below the rank of Inspector General of Police to be nominated by the State Government, *ex-officio*, who shall be the Member Secretary.

Powers and functions of Police Establishment Board.

32E. The Police Establishment Board shall exercise the following powers and perform the following functions and duties, namely :-

- (a) transfer of officers in the rank of Police Inspector and Sub- Inspectors;
- (b) prescribe guidelines and instructions for transfer of Subordinate ranks from one Police District to another;
- (c) analyses the grievances of the police personnel below the rank of Deputy Superintendent of Police and suggest remedial measures to the State Government;
- (d) grant promotion to higher post from the cadre of Constable and *Lok Rakshak*;
- (e) such other functions as may be assigned to it by the State Government.

32F. (1) The State Government shall constitute, by an order, the State Police Complaints Authority consisting of the following members, namely :-

Establishment of State Police Complaints Authority.

- (a) a retired Judge of the High Court or a retired officer not below the rank of Principal Secretary to the Government of Gujarat, who shall be the Chairperson;

- (b) the Principal Secretary to the Government of Gujarat, Home Department, *ex-officio*;
- (c) an officer not below the rank of the Additional Director General of Police, nominated by the State Government, *ex-officio*, who shall be the Member Secretary; and
- (d) a person of eminence appointed by the State Government.

(2) The terms and conditions of the members of the State Police Complaints Authority, other than *ex-officio*, shall be such, as may be prescribed.

32G. The State Police Complaints Authority shall exercise the following powers and perform following functions, namely :-

- (1) to look into the complaints against police officers of the rank of Deputy Superintendent of Police and above, in respect of serious misconduct, dereliction of duty, misuse of powers, or any other matter specified by the Government, not covered by the Vigilance Commission, National Human Rights Commission, State Human Rights Commission, Commission for Minorities, Commission for Scheduled Castes and Scheduled Tribes, Commission for Women and Commission for Backward Class Communities, or any other Commissions as may be appointed from time to time either by the Central Government or by the State Government;
- (2) to require any person to furnish information on such points or matters as, in the opinion of the Authority, may be useful for, or relevant to, the subject matter of the inquiry, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of sections 176 and 177 of the Indian Penal Code, 1860;
- 45 of 1860.** (3) to enforce attendance of any person and take evidence on oath in the manner of a civil court;
- (4) to make appropriate recommendations to the State Government on any case enquired into by it, wherever required.

**Establishment
of District
Police
Complaints
Authority.**

32H. (1) The State Government shall, by an order, constitute the District Police Complaints Authority for each District consisting of the following members, namely :-

- (a) The Superintendent of Police of the District, ... *ex-officio*, who shall be the Chairperson;
- (b) The Additional District Magistrate of the District, to be appointed by the State Government, *ex-officio*.

Powers and
functions of
State Police
Complaints
Authority.

- (c) two members of the Gujarat Legislative Assembly elected from the concerning District, to be appointed by the State Government;
 - (d) The Deputy Superintendent of Police, *ex-officio*, who shall be the Member-Secretary.
- (2) The terms and conditions of the members of the District Police Complaints Authority other than *ex-officio*, shall be such as may be prescribed.
- (3) (a) The District Police Complaints Authority shall meet at least once in every quarter and assess the record of at least one-fourth of all Police Stations within the District with respect to the following matters and also prepare a rating in the prescribed manner,-
- (i) prompt registration of First Information Report;
 - (ii) custodial violence;
 - (iii) extortion of money from complainants and the victims;
 - (iv) drunken behavior ; and
 - (v) misbehavior with the public.
- (b) The report and the rating shall be sent to the concerned authorities for taking appropriate action.

Powers and functions of District Police Complaints Authority.

- 32I. The District Police Complaints Authority shall exercise the following powers and perform following functions, namely :-
- (a) receive complaints against police officers posted in the District;
 - (b) inquire into the complaints involving serious dereliction from duty, grave misconduct, misuse of powers and such other matters as may be directed by the State Government against the police officers up to the rank of Police Inspector;
 - (c) forward the complaints to the State Police Complaints Authority against the police officers in the rank of Deputy Superintendent of Police and above;
 - (d) receive and inquire into complaints of non-registration of First Information Report;
 - (e) monitor the progress of departmental inquiries into cases of complaints of misconduct against police officers;

- (f) after an inquiry into a complaint of misconduct, the District Police Complaints Authority may make its recommendations to the concerned disciplinary authority;
- (g) direct the registration of the First Information Report, the if a complaint of non-registration is found to be correct by the Authority.

32J. The State Government shall provide such sum to the State Security Commission, Police Establishment Board and the State and the District Police Complaints Authorities to enable it to discharge the functions assigned to it under this Chapter.”

Providing funds
to Commission,
Board, etc.

IV - Ex. 24-3

(C)



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XLVIII] SATURDAY, AUGUST 18, 2007/SRAVANA 27, 1929

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 16th August, 2007 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2007

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette", on the 18th August, 2007).

AN ACT

further to amend the Gujarat Special Economic Zone Act, 2004.

It is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :-

- | | |
|--|---|
| <p>1. This Act may be called the Gujarat Special Economic Zone (Amendment) Act, 2007.</p> <p>2. In the Gujarat Special Economic Zone Act, 2004 (hereinafter referred to as "the principal Act") in section 2,-</p> | <p>Short title.</p> <p>Amendment of section 2 of Guj. 11 of 2004.</p> |
|--|---|

(1) for clauses (c) and (d), the following clauses shall be substituted, namely :-

28 of 2005.

"(bb) "Central Act" means the Special Economic Zones Act, 2005;

(c) "Co-Developer" means a person who has been granted a letter of approval by the Central Government under sub-section (12) of section 3 of the Central Act and includes the existing Co-Developer;

(cc) "demarcated area" means an area exclusively for trading or warehousing purposes demarcated as such under section 6 of the Central Act;

(d) "Developer" means a person who has been granted a letter of approval by the Central Government under sub-section (10) of section 3 of the Central Act and includes the Co-Developer and the existing Developer;";

(2) after clause (i), the following clause shall be inserted, namely:-

"(ii) "peripheral area" means an area surrounding the Special Economic Zone as the State Government may, by notification in the *Official Gazette*, declare;";

(3) in clause (p), the word "Unit" shall be deleted.

**Amendment
of section 6
of Guj. 11 of
2004.**

3. In the principal Act, in section 6, -

(1) in sub-section (2), in clause (b), after the words "development of Zone", the words "and for peripheral area" shall be inserted;

(2) in sub-section (3), in clauses (b) and (c), for the words "Unit Approval Committee", the words "Approval Committee" shall be substituted.

**Amendment
of Chapter
IV of Guj. 11
of 2004.**

4. In the principal Act, in Chapter IV, for the words "Unit Approval Committee" wherever they occur, the words "Approval Committee" shall be substituted.

**Amendment
of section 13
of Guj. 11 of
2004.**

5. In the principal Act, in section 13, in clause (1), in sub-clause (c), the words "sale or" shall be deleted.

**Amendment
of section 15
of Guj. 11 of
2004.**

6. In the principal Act, in section 15,-

(1) for sub-section (1), the following sub-section shall be substituted, namely :-

Guj. 24
of 2003.

"(1) Any person generating electricity in the Zone, may supply electricity to the Gujarat Urja Vikas Nigam Ltd. or Distribution Licensees after obtaining approval from the Gujarat Electricity Regulatory Commission constituted under the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003, and upon the terms and conditions agreed to by the said person and the purchaser.";

(2) in sub-section (2), after the words "processing area of the Zone", the words "or in the demarcated area" shall be inserted.

7. In the principal Act, in section 21, in sub-section (1),--

Amendment of
section 21 of
Guj. 11 of 2004.

(1) (a) for the words "All sales and transactions within the processing area of the Zone", the words, figures, letter and brackets "Subject to the provisions of sub-section (1A), all sales and transactions within the processing area of the Zone or in the demarcated area or between the units in the processing area and the demarcated area" shall be substituted;

(b) in clause (a), for the word "Zone", the words "processing area of the Zone or in the demarcated area" shall be substituted;

(c) in clause (b), after the words "processing area of the Zone", the words "or in the demarcated area" shall be inserted;

(d) in clause (c), for the words "Sales Tax, Purchase Tax, Motor Spirit Tax", the words "Tax on sales or purchases of goods other than the goods specified in Schedule III of the Gujarat Value Added Tax Act, 2003" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) The benefits of exemptions under sub-section (1) shall be available to the Unit or a person on the sales and transactions of goods which have been actually and physically involved in the movement of goods.";

(3) in sub-section (2),

(a) for the words "Zone Units", the words "the Units in the processing area of the Zone or in the demarcated area" shall be substituted;

(b) for the words "Sales Tax", the words "tax on sales or purchases of goods other than the goods specified in Schedule III of the Gujarat Value Added Tax Act, 2003" shall be substituted.

Guj. 1 of
2005.



(C)

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

XLVIII]

MONDAY, OCTOBER 8, 2007/ASVINA 16, 1929

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PART IV

Acts of Gujarat Legislature and Ordinance Promulgated
and Regulations made by the Governor.

AGRICULTURE AND CO-OPERATION DEPARTMENT
Sachivalaya, Gandhinagar, Dated the 8th October, 2007.

GUJARAT ORDINANCE NO. 2 OF 2007.

AN ORDINANCE

further to amend the Gujarat Co-operative Societies Act, 1961.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Co-operative Societies Act, 1961;

Guj. X of 1962.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

1. *Short title and commencement.*- (1) This Ordinance may be called the Gujarat Co-operative Societies (Amendment) Ordinance, 2007.

(2) It shall come into force at once.

2. *Guj. X of 1962 to be temporarily amended.*- During the period of operation of this Ordinance, the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 28.

Guj. X of 1962.

3. Amendment of section 2 of Guj. X of 1962.- In the principal Act, in section 2,-

(1) after clause (7), the following clause shall be inserted, namely :-

“(7A) “co-operative credit structure” means (i) the Primary Agricultural Credit Co-operative Societies; (ii) the District Central Co-operative Banks; and (iii) the State Co-operative Bank;”;

(2) after clause (13), the following clause shall be inserted, namely:-

“(13A) “National Bank” means the National Bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981;”.

61 of 1981.

4. Amendment of section 13 of Guj. X of 1962.- In the principal Act, in section 13, to sub-section (2), after the existing proviso, the following proviso shall be added, namely :-

“Provided further that the application for registration of amendment of bye-laws of a society shall be disposed of so far as practicable within thirty days from the date of the receipt of the application.”.

5. Amendment of section 22 of Guj. X of 1962.- In the principal Act, in section 22,-

(1) in sub-section (1), after clause (f), the following clause shall be inserted, namely:-

“(g) a group of the individuals eligible under clause (a), whether incorporated or not and whether established or not by or under any law;”;

(2) for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Every person seeking admission as a member of a society, if duly qualified for membership of such society under the provisions of this Act, the rules and the bye-laws of the society, may make an application to the society for membership. The society shall take decision on the application and shall communicate the decision within a period of three months from the date of the receipt of the application.”;

(3) after sub-section (3), the following sub-sections shall be added, namely:-

“(4) All the depositors having deposits of rupees ten thousand or above for a minimum period of one year and the borrowers including surety of the borrowers shall be compulsorily made members in the case of the District Central Co-operative Banks, the Primary Agricultural Credit Co-operative Societies and the Urban Co-operative Banks :

Provided that the depositors having deposits less than rupees ten thousand shall be made nominal members.

(5) The State Government may, by notification in the *Official Gazette*, alter the limit of rupees ten thousand specified by sub-section (4) and also specify such amount of deposit as it deems necessary for a class of society and different amount may be specified for different classes of societies. In the case of borrowing members, the society shall prescribe in its bye-laws, linking shares subject to minimum of two and half per cent. of the loan taken by the borrowers.”.

6. *Amendment of section 27 of Guj. X of 1962.*- In the principal Act, in section 27, the existing section shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) The person who has committed a default and remains as such defaulter in making repayment of loan or interest thereon for a period of one year from the due date of repayment of such loan or interest or installment shall not be entitled to exercise voting rights of a member of a society till all such repayments are made.”.

7. *Insertion of new section 44A in Guj. X of 1962.*- In the principal Act, after section 44, the following section shall be inserted, namely:-

Power of committee of co-operative credit structure.

“44A. The committee of every society in a co-operative credit structure shall have freedom to decide its financial and internal administrative matters, namely:-

(i) Interest rates on deposits and loans, subject to the directives issued by the Reserve Bank of India;

(ii) Borrowing, investment, depositing its surplus funds, loaning policies (including individual loans) and other business policies;

(iii) Personnel policies including issues relating to recruitment, promotion, staffing, training, posting and compensation to staff as per business requirement of the society;

(iv) Internal checks and control systems, appointment of auditors, their compensation and other internal administrative issues; and

(v) Borrowing from any financial institution regulated by the Reserve Bank of India, keeping in mind the interest of the society and its members.”.

8. *Amendment of section 45 of Guj. X of 1962.*- In the principal Act, in section 45, after sub-section (2), the following sub-section shall be added, namely:-

“(3) Notwithstanding anything contained in this Act, no person or group of persons other than a member or members shall be eligible to borrow from or make deposit in a Primary Agricultural Credit Co-operative Society.”.

9. *Amendment of section 51 of Guj. X of 1962.*- In the principal Act, in section 51, to sub-section (1), the following proviso shall be added, namely :-

“Provided that in the case of societies in the co-operative credit structure, the State Government shall not subscribe for more than twenty-

five per cent. of the total share capital and the State Government or the society shall have the option to reduce the share capital contributed by the State Government.”.

10. Insertion of new section 67A in Guj. X of 1962.- In the principal Act, after section 67, the following section shall be inserted, namely:-

Bad Debt Reserve Fund.

“**67A.** (1) Every society which earns profit from its transactions, shall maintain a Bad Debt Reserve Fund.

(2) Every year, the society shall carry at least fifteen per cent. of the net profit to the Bad Debt Reserve Fund.

(3) All debts which are found to be irrecoverable and certified as such by a certified auditor and expenses incurred in recovering the same shall first be written off against the Bad Debt Reserve Fund.

(4) Notwithstanding anything contained in section 67-

(a) the balance of bad debts, if any, remaining after first writing them off under sub-section (3); and

(b) all losses incurred by a society including those suffered on account of settlement of disputes under section 98 which are certified as such by a certified auditor,

may be written off against the reserve fund maintained under section 67 to the extent of not more than thirty percent of the balance in that fund:

Provided that no bad debt or loss shall be written off against the bad debt fund or, as the case may be, the reserve fund, unless the society in the general meeting passes a resolution approving the same by a majority of total membership of the society and by a majority of not less than two-third of the members of the society present and voting.”.

11. Substitution of section 68 of Guj. X of 1962.- In the principal Act, for section 68, the following section shall be substituted, namely :-

Restriction on dividend.

“**68.** No society shall pay dividend to its members at a rate exceeding the rate as may be prescribed by the State Government, by notification in the *Official Gazette*, from time to time for all societies generally or a class of societies in particular :

Provided however that the dividend payable in case of co-operative credit structure shall be subject to the guidelines of the Reserve Bank of India or, as the case may be, the National Bank.”.

12. Amendment of section 69 of Guj. X of 1962.- In the principal Act, in section 69, after sub-section (3), the following sub-section shall be added, namely :-

“(4) The provisions of sub-sections (1) to (3) shall not apply to the societies in the co-operative credit structure.”.

13. *Amendment of section 70 of Guj. X of 1962.*- In the principal Act,-
- (i) in section 70, after the words and figures "section 67 and", the words, figures and letter "for the bad debt reserve fund as provided in section 67A and" shall be inserted;
 - (ii) to section 70, the following proviso shall be added, namely :-
"Provided that the provisions of this section shall not apply to the societies in co-operative credit structure.".

14. *Amendment of section 71 of Guj. X of 1962.*- In the principal Act, in section 71, in sub-section (1), for the clauses (f) and (g), the following clauses shall be substituted, namely:-

"(f) in a Scheduled co-operative bank as defined in clause (2) of section 2 of the Reserve Bank of India Act, 1934 and having its registered office within the State or in any nationalised bank,

2 of 1934.

(ff) in any land or building-

- (i) where the money in a building fund established by a society is sufficient for the purpose or,
- (ii) where the money in such a fund is insufficient for the purpose or where a society has not established such fund, with the previous sanction of the Registrar :

Provided that the Registrar shall endeavor to decide the question as to previous sanction be given or not, within ninety days of the receipt of an application for such sanction,

(g) in any corporation owned or controlled by the Government of Gujarat and other Scheduled Banks not covered under clause (f), with the prior approval of the State Government subject to such terms and conditions as may be prescribed in this behalf:

Provided that in the case of the District Central Co-operative Banks, the Primary Agricultural Credit Co-operative Societies and the Urban Co-operative Banks, the Reserve Bank of India may issue further guidelines restricting or enlarging the scope of investment in any institutions approved for the purpose under this section.".

15. *Insertion of new section 73A in Guj. X of 1962.*- In the principal Act, after section 73, the following section shall be inserted, namely :-

"73A. Notwithstanding anything contained in this Act or the rules for the time being in force, the societies in the co-operative credit structure shall be at liberty to affiliate or disaffiliate with any federal society of its choice provided a resolution approving such affiliation or disaffiliation with a federal society is passed in the annual general meeting held for the purpose with three - fourth majority of total members, and subject to the rules as may be prescribed and the guidelines issued by the Reserve Bank of India.".

**Freedom for
affiliation or
disaffiliation
with a federal
society of
choice.**

16. Amendment of section 74 of Guj. X of 1962.— In the principal Act, section 74 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted namely:-

“(2) There shall be two professionals on the committee of the District Central Co-operative Bank and the State Co-operative Bank having qualification prescribed by the Reserve Bank of India or, as the case may be, the National Bank. If such members are not elected on committee of the District Central Co-operative Bank and the State Co-operative Bank, the Registrar shall direct the concerned bank to co-opt such professional on the committee within the time limit specified in such direction of the Registrar. If the bank fails to comply with the aforesaid directions, the Registrar shall appoint such professional member on the committee of the concerned bank. The professional member shall have all the rights of members inclusive of voting right and the term of such member shall be co-extensive with the term of other elected members.”.

17. Amendment of section 74D of Guj. X of 1962.— In the principal Act, in section 74D,-

- (1) in sub-section (1),-
 - (i) for the words “or having been elected not functioning within a period of six months after”, the word “before” shall be substituted;
 - (ii) before the words “the Registrar may”, the words “or having been elected not functioning” shall be inserted;
- (2) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The Registrar shall hold election of such society within a period of two months and the Committee shall be constituted before the expiration of that period.”.

18. Amendment of section 76 of Guj. X of 1962.— In the principal Act, in section 76, after the existing proviso, the following proviso shall be added, namely :-

“Provided further that the qualifications for appointment of the Chief Executive Officer of the District Central Co-operative Bank and the State Co-operative Bank shall be such, as may be determined by the Reserve Bank of India from time to time.”.

19. Amendment of section 80 of Guj. X of 1962.— In the principal Act, in section 80, after sub-section (2), the following sub-section shall be added, namely:-

“(3) Notwithstanding anything contained in this Act or the rules or in the bye-laws, there shall be only one nominee of the State Government in the committee of the State Co-operative Bank or the District Central Co-operative Banks where the State Government has subscribed to the share capital of such co-operative banks and no such nomination shall be made where the State Government has not subscribed to the share capital of such co-operative Bank and no such nomination shall be made on the committee of a primary agricultural co-operative society irrespective of whether the State Government has subscribed to the share capital of a society or not.”.

20. Amendment of section 80A of Guj. X of 1962. – In the principal Act, in section 80A, after sub-section (3), the following sub-section shall be inserted, namely :-

“(4) The provisions contained in sub-sections (1) to (3) shall not apply to the societies in co-operative credit structure.”.

21. Amendment of section 81 of Guj. X of 1962. – In the principal Act, in section 81,-

(1) in sub-section (1),-

- (a) in clause (a), the word “or” appearing at the end, shall be deleted;
- (b) clause (b) shall be deleted;
- (c) in sub-clause (i), after the words “of the society”, the words “not being the members of the committee removed under this sub-section” shall be inserted;
- (d) (i) for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) one or more administrators from amongst the members of the society, not being the members of the committee removed under this sub-section, or from amongst the officers of the co-operative department of the State Government.”;

(ii) in paragraph below sub-clause (ii), for the words “two years” and “four years”, the words “one year” and “two years” shall be substituted respectively;

(2) to sub-section (4), the following proviso shall be added, namely:-

“Provided that the committee or the administrator shall make arrangements for constitution of a new committee of a society in co-operative credit structure within a period of two months from the date of the order of removal of the said Committee.”;

(3) in sub-section (6), for the words “Before taking any action”, the words “Before making an order in writing removing the committee and appointing another committee in its place or one or more administrators” shall be substituted;

(4) after sub-section (6) the following sub-section shall be added, namely:-

“(7) The remuneration of the Administrator appointed under sub-section (1) shall be such as may be determined by the Registrar and the same shall be paid from the fund of the society.”.

22. Insertion of new section 81A in Guj. X of 1962.- In the principal Act, after section 81, the following section shall be inserted, namely :-

Supersession of
Committee of
Primary
Agricultural
Credit
Co-operative
Society.

“81A. (1) The committee of Primary Agricultural Credit Co-operative Society shall be removed by the Registrar only under the following circumstances, namely :-

- (i) if a society incurs losses for three consecutive years, or
- (ii) if serious financial irregularities or frauds have been identified; or
- (iii) if there is perpetual lack of quorum over a period of three months.

(2) The members of the committee of a Primary Agricultural Credit Co-operative Society which has been removed under sub-section (1) shall not be eligible to become a member of the committee for a period of three years from the date of such removal.”.

23. Amendment of section 82 of Guj. X of 1962.- In the principal Act, in section 82, after sub-section (3), the following sub-section shall be added, namely :-

“(4) The provisions of sub-sections (1) to (3) shall apply to the societies in co-operative credit structure subject to the guidelines, if any, issued by the Reserve Bank of India.”.

24. Amendment of section 84 of Guj. X of 1962.- In the principal Act, in section 84, -

(1) to sub-section (1), the following proviso shall be added, namely :-

“Provided that the audit of the District Central Co-operative Bank and the State Co-operative Bank shall be conducted by the auditor having qualifications prescribed under the rules. The panel of auditor shall be prepared by the Registrar in prior consultation with the National Bank.”;

(2) after sub-section (6), the following sub-section shall be inserted, namely:-

“(6A) The Registrar shall, by an order provide for a special audit of co-operative credit structure on the basis of the recommendation of the National Bank. A copy of the report of such special audit shall be submitted to the

National Bank within the period specified by the National Bank. The provisions of this section applicable to audit of accounts of society shall also apply to such special audit.”.

(3) after sub-section (9), the following sub-sections shall be inserted, namely :-

“(10) The Registrar shall, in consultation with the Reserve Bank of India prescribe Prudential Norms including Capital to Risk Weighted Assets Ratio for the co-operative credit structure.

(11) The Registrar shall, by an order, provide for the periodical inspection by the officers subordinate to the Registrar or by federal society or by financing bank, for a class of society under section 87 or, section 88.”.

25. *Amendment of section 115A of Guj. X of 1962.*— In the principal Act, in section 115A, after sub-section (2), the following sub-section shall be inserted, namely :-

“(2A) The Registrar shall ensure the implementation of regulatory directions given by the Reserve Bank of India in the case of supersession and winding up of the State Co-operative Bank and the District Central Co-operative Bank and shall appoint the liquidator within a period of one month of being so advised by the Reserve Bank of India.”.

26. *Amendment of section 145F of Guj. X of 1962.*— In the principal Act, in section 145F, after sub-section (1), the following sub - section shall be inserted, namely:-

“(1A) (i) (a) No member of a society in the District Central Co-operative Bank and the State Co-operative Bank shall be eligible to be elected as a member in the committee if he is in default for a period of twelve months in payment of dues to the society;

(b) no person elected as member of a society in the District Central Co-operative Bank and the State Co-operative Bank shall be continued as a member if he is in default for a period exceeding twelve months in payment of dues to the society unless the amount in default with due interest is paid to the society;

(c) no member of a primary agricultural credit co-operative society shall be eligible to be elected as member in the committee of the State co-operative bank or a central co-operative bank if the society is in default in payment of dues to the co-operative bank unless the default with due interest is paid to the co-operative bank;

- (d) no member of a non-credit society who is a member in the committee of a District Central Co-operative Bank or the State Co-operative Bank shall be continued as such member if the society commits default for a period exceeding 90 days in payment of dues to the bank.
- (ii) The above provisions shall be in addition to and not in derogation of any other provisions for disqualification contained in this Act.”

27. *Amendment of section 146 of Guj. X of 1962.*- In the principal Act, in section 146, after sub-section (2), the following sub-section shall be added, namely:-

“(3) No Primary Agricultural Credit Co-operative Society shall use the word “bank”, “banker”, “banking” or any other derivative of the word “bank” in its name and the existing society using such name shall be deregistered by the Registrar.”.

28. *Amendment of section 161 of Guj. X of 1962.*- In the principal Act, after the existing proviso, the following proviso shall be inserted, namely:-

“Provided further that the aforesaid provision shall apply to societies in the co-operative credit structure subject to the guidelines issued by the Reserve Bank of India.”.

29. *Power to remove difficulty.*- (1) If any difficulty arises in giving effect to the amendments made by this Ordinance, the State Government may, by order, published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the principal Act, as appears to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.

STATEMENT

The Government of India, based on **Vaidyanathan Committees Report**, has announced revival package for co-operative societies to be implemented through NABARD. As per the package, agricultural credit sector i.e. Primary Agricultural Credit Co-operative Societies, District Central Co-operative Banks and State Cooperative Bank will get the benefit of the package for compensating the losses in their balance sheet as on 31.3.2004 subject to certain conditions of Memorandum of Understanding (in short "MOU") signed by the Government of Gujarat with the Central Government and NABARD. As per one of the conditions of the said MOU, the State Government is required to amend the various provisions of the Gujarat Co-operative Societies Act, 1961. An undertaking has been given by the State Government to the Government of India and NABARD in the said MOU that pending such amendments (through Legislative Assembly) an Ordinance under Article 213 of Constitution shall be issued to give effect to the reforms.

In the Gujarat State, there are 7768 Primary Agricultural Credit Co-operative Societies, 18 District Central Co-operative Banks and the apex body namely, the Gujarat State Co-operative Bank in the three tier agricultural credit sector which are likely to be benefited by the revival package declared by the Government of India to be implemented through the NABARD.

In view of fact that the stage of special audit for the purpose is almost completed so far and the State Government is likely to get the share of the revival package of Rs. 1106.58 crores from the Central Government as per the sharing pattern, and as initial payment, the NABARD will release seventy-five per cent. of the entitled amount i.e. around Rs. 800 crores in the current financial year, if the condition of legal reforms as per MOU as stated above is complied with. It is, therefore, considered necessary to amend the Gujarat Co-operative Societies Act, 1961.

The following are some of important amendments considered necessary to be made in the said Act as per the MOU signed by the Government of Gujarat with the Central Government and NABARD :

- (1) ensuring full voting membership rights to all depositors / borrowers in co-operatives other than co-operative banks,
- (2) providing autonomy to Co-operative Credit Structure in all financial and internal administrative matters,
- (3) Restricting the State Government's equity to a maximum of twenty-five per cent in any co-operative at any level and limiting State participation in the Committee of a co-operative bank to only one nominee and not to have any State nominee on the Committee of any Primary Agricultural Credit Co-operative Society. The State Government or a co-operative society at any level wishing to reduce the State equity further would be free to do so,
- (4) allowing freedom of any co-operative society in the co-operative credit structure to affiliate or disaffiliate with a federal structure of its choice and there would not be any restrictions of geographical boundaries for its operations,

- (5) allowing freedom for investments to be made by co-operative societies and permitting them to invest funds, subject to the guidelines as may be prescribed by the Reserve Bank of India;
- (6) permitting any co-operative in all the three tiers freedom to take loans from any RBI regulated financial institution, and refinance from NABARD or any other refinancing agency directly and not necessarily with only the federal tier to which it is affiliated;
- (7) powers taken for laying down guidelines for the purpose of payment of dividend by Primary Agricultural Credit Co-operative Societies in consultation with NABARD.

In addition to above, the provisions are also made for exclusion of defaulters from the voters list, provisions for maintaining Bad Debt Reserve Fund and provisions for periodical inspection by the Registrar of Co-operative Societies, financing bank and federal societies. The provisions are also made for availing loan facility to group of persons (self help groups) and for availing memberships to such group also in the Society.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.
Dated the 7th October, 2007.

NAWAL KISHORE SHARMA,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

DR. AVINASH KUMAR,
Additional Chief Secretary to Government.